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federal register

Book 1 of 2 Books
Thursday, July 19, 1979

Highlights

42149 **United States Space Observance** Presidential proclamation

42584 **Mineral Leasing** Interior/BLM sets out procedure to manage Federally-owned coal through leasing or exchange; effective 7–19–79 (Part VIII of this issue)

42538 **Mandatory Petroleum Allocation** DOE/ERA promulgates regulations on motor gasoline; hearings in August and September (4 documents) (Part V of this issue)

42510 **Federal, Indian, and Outer Continental Shelf Lands** Interior/GS issues notice to lessees for implementation of the Natural Gas Policy Act of 1978; comments by 9–4–79 (Part IV of this issue)

42246 **Safe Drinking Water** EPA proposes greater latitude to small public water systems; comments by 9–17–79; hearing on 8–29–79

42195 **Safe Drinking Water** EPA sets forth regulations which apply to public water systems and secondary maximum contaminant levels

42212 **Depository Institutions and Holding Companies** FRS, Treasury/Comptroller, FDIC, FHLBB, NCUA proposes and adopts the prohibition of certain management official interlocks; comments by 9–17–79

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42444 **Motor Vehicles-Air Pollution** EPA announces results of certification tests conducted on new motor vehicles and new motor vehicle engines (Part III of this issue)

42273 **Small Passenger Vessels** DOT/CG proposes to revise its regulations governing the re-examination of applicants for licenses of operation; comments by 9–17–79

42558, 42561, 42563 **Interstate Commerce** ICC issues documents on informal rulemaking procedures, semi-annual agenda of significant proceedings and a draft statement of policy on Commission regulations (3 documents) (Part VI of this issue)

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42410 **Helicopters** DOT/FAA proposes noise standards in normal, transport and restricted categories; comments by 11–19–79 (Part II of this issue)

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42234 **Veterans** VA proposes to implement several new medical benefits; comments by 9–17–79

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Federal Register
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Thursday, July 19, 1979

Presidential Documents

Title 3—

The President

Proclamation 4669 of July 17, 1979

United States Space Observance, 1979

By the President of the United States of America

A Proclamation

Ten years ago this week, the Apollo astronauts changed forever, for all humanity, our concept of the universe and our relation to it. Their electrifying landing on the Moon—that "giant leap" to the surface of another world—was an unparalleled triumph of determination and technological genius. It epitomized the strength and the potential of the American people.

During ten years since, space has become part of our daily lives. We use it for essential communications and for monitoring our environment. Nationally and internationally, the exploration and use of space hold even greater promise in the future for the wiser management of our planetary resources, for the expansion of knowledge, and for the development of civilization.

In recognition of this triumph, the Congress, by joint resolution (H.J. Res. 353), has requested that the period of July 16 through 24, 1979, be designated as "United States Space Observance."

As we face new challenges as a nation—notably the challenge of achieving energy security—let us reflect upon the courage of the Apollo astronauts, and their predecessors in the Mercury and Gemini programs. And let us take courage and inspiration from the success of America's effort to land the first men on the Earth's Moon and return them safely.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the period of July 16 through July 24, 1979, as "United States Space Observance." In accord with the congressional resolution, I call upon the people of the United States to observe this period with appropriate ceremonies and activities.

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

Jimmy Carter

[FR Doc. 79-22607
Filed 7-18-79; 10:56 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 140
Thursday, July 19, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1049

[Milk Order No. 49; Docket No. A0-319-A29]

Milk in the Indiana Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the present order provisions based on proposals considered at a public hearing held January 9, 1979. The amended order increases the Class I differential 6 cents and modifies the location adjustment and payment provisions of the order. The changes are needed to reflect current marketing conditions and to insure orderly marketing in the area.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued December 14, 1978, published December 28, 1978 (43 FR 59390).

Recommended Decision: Issued May 7, 1979, published May 10, 1979 (44 FR 27426).

Final Decision: Issued July 5, 1979, published July 10, 1979, (44 FR 40313).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except isofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance or the order amending the order is approved of favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as herby further amended, as follows:

1. In § 1049.50 paragraph (a) is revised to read as follows:

§ 1049.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.53.

* * * * *

2. In § 1049.52, the introductory text of paragraph (a) (immediately preceding subparagraph (1)) is revised to read as follows:

§ 1049.52 Plant location adjustments for handlers.

(a) For producer milk which is received at a pool plant located outside the area for which zero location adjustment is specified in paragraph (a)(1)(i) of this section, which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1049.50(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to paragraph (a) (1) or (2) of this section, respectively, except that in no event shall the adjustment result in a price less than the Class III price for the month. For the purpose of this section and § 1049.75, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market adminstrator:

* * * * *

§ 1049.73 [Amended]

3. Section 1049.73(b) is amended by deleting the language, "which it caused to be delivered to such handler".

4. In § 1049.75, paragraph (a) is revised to read as follows:

§ 1049.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received or which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.52(a), except that the adjusted uniformed price plus 5 cents, and, for the months of April through July plus an additional 20 cents, or for the months of September through December minus the amount computed pursuant to § 1049.61(i), shall not be less than the Class III price for the month.

* * * * *

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

Effective date: September 1, 1979.

Signed at Washington, D.C. on July 13, 1979.

Jerry C. Hill,

Deputy Assistant Secretary.

[FR Doc. 79–22352 Filed 7–18–79; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R–0204]

International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final regulation: Correction.

SUMMARY: This notice corrects a previous **Federal Register** document (FR Doc. 79–19185) beginning at page 36005 of the issue for Wednesday, June 20, 1979.

FOR FURTHER INFORMATION CONTACT: C. Keefe Hurley, Jr., Senior Attorney, Legal Division (202–452–3269), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: On page 36011 in the center column, paragraph 211.6(b)(1)(ii) should read as follows:

§ 211.6 Branches and agencies

* * * * *

(b) * * *

(i) * * *

(ii) the total liabilities of any person to a majority owned foreign bank or Edge Corporation subsidiary of a member bank, and to majority owned subsidiaries of such foreign bank or Edge Corporation when combined with liabilities of the same person to the member bank and its majority owned subsidiaries, shall not exceed the member bank's limitiation on loans to one person.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79–22263 Filed 7–18–79; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 212

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

[Docket No. R–0198]

Management Official Interlocks; Final Regulations

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Final regulations.

SUMMARY: These final regulations are issued under the Depository Institution Management Interlocks Act (Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) (the "Interlocks Act"), which prohibits certain management official interlocks between depository institutions, depository holding companies, and their affiliates. Among other things, the final regulations permit under certain circumstances service by a management official that would otherwise be prohibited by the Interlocks Act.

Interested persons are invited to submit written data, views or arguments regarding the final regulation for a period of 60 days.

Proposed amendments to the final regulations are also being published for comment and can be found in today's **Federal Register.**

DATE: The final regulations are effective July 19, 1979. Comments regarding the final regulations must be received by September 17, 1979.

ADDRESS: Please send your comments to Theodore E. Allison, Secretary of the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551. All material submitted should refer to Federal Reserve Board Docket No. R–0198. All comments received will be made available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Bronwen Mason (202) 452–3564, or John Walker (202) 452–2418, Board of Governors of the Federal Reserve System.

Gwen Hibbs (202) 447–1880, Office of the Comptroller of the Currency.

Pamela LeCren (202) 389–4453, Federal Deposit Insurance Corporation.

Kathleen Topellius (202) 377–6444, Federal Home Loan Bank Board.

Ross Kendall (202) 632–4870, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95–630, 12 U.S.C. 3201 *et seq.*). The general purpose of the Interlocks Act and these regulations is to foster competition among depository institutions, depository holding companies, and their affiliates. On February 1, 1979, the agencies published proposed regulations under the Interlocks Act (44 FR 6421). Public comment on the proposed regulations was invited to be received on or before March 5, 1979. Approximately 160 written comments were received. The proposed regulations contained definitions of a number of terms as used in the Interlocks Act and created several exceptions to the prohibitions of the Interlocks Act. The exceptions, designated "Permitted Relationships," were proposed because it was felt that the community benefits that would result from the increased availability of managerial expertise to certain institutions would outweigh any adverse effects on competition. One of the exceptions recognizes the fact that certain institutions do not compete with each other. Upon review of the comments received and after a thorough reconsideration of the regulations as published for comment, certain changes have been made in the proposed regulations. Those changes are reflected in the final regulations as set forth below.

The regulations are effective immediately. This action is taken under the authority granted in section 553(d)(1) of the Administrative Procedure Act (5 U.S.C. 553(d)(1)) to dispense with

publication of a substantive rule not less than 30 days before its effective date when the rule grants or recognizes an exemption or relieves a restriction. Further, since the Interlocks Act became effective on March 10, 1979, and the final regulations clarify statutory requirements, it is in the public interest for the final regulations to be effective immediately.

In accordance with Executive Order 12044 ("Improving Government Regulations," 43 FR 12661), the agencies have determined that no increased costs from recordkeeping or reporting will result from compliance with the regulations. Additionally, the Interlocks Act requires that any exceptions from the act's prohibitions must be created by regulations, and accordingly there were no alternatives to formal regulations.

An explanation of the provisions of the final regulations and a discussion of the comments received are set forth below.

1. *Definition of "adjacent".* The Interlocks Act prohibits management official interlocks between nonaffiliated depository organizations that are located in the same city, town, or village, or in contiguous or *adjacent* cities, towns, or villages. Under the proposed regulations, cities, towns, or villages were defined as adjacent if they are located within ten-miles of one another at their closest points. Comments regarding this definition fell generally into three categories: (1) Those stating that a ten-mile figure was arbitrary; (2) those stating that the distance should be raised or lowered; and (3) those stating that a definition based on competition should be used. The agencies have retained in the final regulations the definition as proposed in recognition of increased competition among depository organizations resulting from greater mobility of the public and the prevalence of widespread advertising for financial services. The ten-mile figure provides a definite standard and conforms to the common understanding of the definition of the term "adjacent," which includes the concept of distance. Additionally, the agencies believe that the ten-mile figure reasonably reflects regulatory experience in administering similar provisions of the Clayton Act. In view of the fact that some comments suggested that the distance be raised and others that it be lowered, the agencies believe that the ten mile figure is reasonable. However, the agencies are considering making a distinction between urban and rural areas. For example, consideration is being given to treating as adjacent two cities, towns, or villages that are less than ten miles apart at their closest points if either is in an SMSA, and to treating as adjacent two cities, towns, or villages that are less than 25 miles apart if neither is in an SMSA. Comment on this distinction is specifically requested.

2. *Definition of "affiliate".* The Interlocks Act permits management official interlocks between affiliates. The proposed regulations as published on February 1, 1979, contained the following rebuttable presumption: "[A]n affiliate relationship does not exist under section 202(3)(B) of the Interlocks Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation." The presumption was included in the proposed regulations in order to prevent the creation of sham affiliations by the exchange of a nominal number of voting shares of depository organizations, thereby permitting the organizations to interlock. For example, under section 202(3)(B) of the Interlocks Act, a management official interlock could be created between depository organizations in a case where one person owns 90 per cent of the shares of Bank A and another person owns 90 per cent of the shares of Bank B located in the same city and the two persons exchange one share of stock of their respective banks. In a Senate Report accompanying a predecessor bill to the Interlocks Act (S. Rep. No. 95–323, 95th Cong., 1st Sess. 15 (1977)), it is stated: "By rule the Federal Reserve should prescribe the switching of several shares of stock between individuals to defeat the ban which would otherwise obtain on interlocking management or directors between such institutions which are not truly commonly owned."

The presumption contained in the proposed regulations met with widespread opposition, especially from banks located in "chain banking" states *(e.g.,* Illinois), where many banks are commonly owned by a large number of shareholders each owning less than 5 per cent of the shares of the banks. In response to the comments, the agencies have redrafted the provision. The issue, which was addressed in a provision labeled "Common control" in the proposed regulations, is addressed in the final regulations through a definition of the term "affiliate."

Under the definition of the term "affiliate" in the final regulations, two organizations will not qualify as affiliates under section 202(3)(B) of the Interlocks Act if it is determined that the asserted affiliation was established to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. If a person, including members of his or her immediate family, whose shares are necessary to create a group owning 50 per cent of the stock of both organizations, owns a nominal percentage of the shares of one of the organizations and that percentage is substantially disproportionate in relation to that person's ownership of shares in the other organization, the affiliation may be considered to have been created to avoid the prohibitions of the Interlocks Act. The term "immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of the shares is held in trust. what constitutes a nominal percentage will vary from case to case. For example, a 2 per cent holding in a large, widely held organization may not be nominal whereas the same percentage may be nominal with respect to a different organization. If a person's holdings in two organizations are disproportionate, a sham affiliation will not be found unless the percentage held in one organization is nominal. Two organizations are affiliated, for example, if 26 stockholders each own 2 per cent of the stock of each organization. Although each person may hold only a nominal number of shares, the disproportionality test has not been met. Two organizations might not be considered to be affiliated, however, where for example the common ownership group includes a person who holds 2 per cent of the shares of one of the organizations and 16 per cent of the shares of the other organization, assuming of course that the 2 per cent holding in this instance is nominal.

3. *Application to foreign banks.* The proposed regulations did not attempt to interpret the application of the Interlocks Act to interlocking relationships involving foreign banks or branches or agencies of foreign banks located in the United States. Comment was specifically requested on the impact of the Interlocks Act upon such relationships.

The Interlocks Act could be read to prohibit certain interlocking relationships between two foreign banks having subsidiary banks or branches or agencies located in the United States, as well as certain interlocking relationships between a foreign bank and a domestic bank. The agencies have defined the terms "depository holding company," "depository institution," and "office" so as not to affect such interlocks by defining such terms with reference to location in the United States. For example, a director of a German bank that has a subsidiary bank located in New York City may serve as a director of a Swiss bank that has a branch

located in New York City. Further, the director of the German bank may serve as a director of a United States bank.

The Interlocks Act could also be read to prohibit certain interlocking relationships between a United States branch or agency of two foreign banks, as well as certain interlocking relationships between a United States branch or agency of a foreign bank and a domestic bank. The term "depository institution" has been defined to include a United States branch or agency of a foreign commercial bank. Therefore, the final regulations prohibit interlocks between United States branches of two foreign banks located in the same city, or between a United States branch of a foreign bank and a domestic bank located in the same city, or between such entities located in the same SMSA if one of the entities has total assets of $20 million or more, or between such entities wherever located in the United States if the total assets of one exceed $500 million and the total assets of the other exceed $1 billion. For example, a manager of a San Francisco branch of a Japanese bank may not serve as a management official of a San Francisco branch of an Israeli bank or of a domestic bank. With respect to such prohibitions, the agencies have defined "total assets" of a United States branch or agency of a foreign bank to mean total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

The term "management official" has been defined so as not to include a management official of a foreign commercial bank whose management functions relate principally to the business of that organization outside of the United States. Therefore, such person is not a management official of a United States branch or agency of a foreign commercial bank.

The comments on the proposed regulations generally support this approach. The agencies believe that foreign commercial banks competing in the United States should be subject to the Interlocks Act to the general extent of their activities in the United States.

4. *Definition of "management official".* The term "management official" is defined in section 202(4) of the Interlocks Act to mean an employee or officer with management functions, a director (including an advisory or honorary director), a trustee of a business organization under control of trustees, or any person who has a representative or nominee serving in any such capacity.

The proposed regulations did not attempt to expand or further clarify the definition of "management official." However, as a result of comments received, the agencies have decided to include a definition of "management official" in the final regulations.

Several comments suggested that only those directors, officers or employees who determine major policy for a depository organization should be "management officials." Other comments recommended that all advisory and honorary directors, or, in the alternative, advisory or honorary directors who do not vote, be excluded from the definition of "management official." The agencies have decided not to adopt these recommendations. To limit in such a manner the scope of the term "management official" to high level policymakers or to voting directors would contravene the purpose of the Interlocks Act.

Several comments noted that the term "management official" might be construed to include managers of nondepository affiliates of depository organizations even though the affiliate does not in fact compete with any nonaffiliated depository organization. For example, the local manager of a retail merchandising or manufacturing company might be precluded from serving as a director of a local bank because the company is a subsidiary of a diversified savings and loan holding company. The agencies do not believe that this is an intended result of the Interlocks Act, and have therefore clarified that definition of management official to exclude a person whose management functions relate exclusively to the business of retail merchandising or manufacturing. Comment is requested on whether a person whose management functions with a nondepository affiliate relate exclusively to nonfinancial business activities other than retail merchandising or manufacturing should be excluded by regulation from the definition of "management official."

In the proposed amendments to the final regulations published in today's **Federal Register**, the agencies have addressed the issue of who is a "management official" because he has a "representative or nominee" serving as a management official.

5. *Definition of "office".* The prohibitions of the Interlocks Act depend on the location of the offices of depository organizations. The agencies have decided to retain the definition of the term "office" as set forth in the proposed regulations which defined the term to include principal offices and branches, but excluded electronic terminals. The comments on this definition were generally favorable. The regulations as proposed did not address the status of loan production offices ("LPO's") as branches and therefore "offices" under the Interlocks Act. Recently, the U.S. District Court for the District of Columbia ruled that LPO's are branches under the McFadden Act (12 U.S.C. 36), finding that such offices of national banks disrupt competitive equality between the State and national banking systems. The agencies believe that the definition of the term "branch" under the McFadden Act should not be determinative of the definition of the term "branch" under the Interlocks Act since the two acts have different purposes. Because LPO's generally solicit wholesale loans and do not compete with small banks for retail business, the agencies have excluded LPO's from the definition of the term "office." The agencies have likewise excluded representative offices of foreign banks from the definition of the term "office" since such offices generally perform the same services for foreign banks as LPO's do for domestic banks.

6. *Definition of "total assets".* The total assets of depository organizations is relevant to the application of the prohibitions of the Interlocks Act. The agencies have defined the term "total assets" to mean total consolidated assets. Under this definition, the total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of section 203 of the Interlocks Act, and include the total assets of all of its affiliates for the purposes of section 204 of the Interlocks Act.

7. *General prohibitions.* The agencies have stated the general prohibitions of the Interlocks Act in the final regulations. The statement of the general prohibitions narrows the coverage of the Interlocks Act with regard only to depository holding companies having total assets of $20 million or less. If the agencies had not so narrowed the coverage of the Interlocks Act, then the act would prohibit, for example, BHC A with total assets of $5 million located in a city in an SMSA from interlocking with Bank B with total assets of less than $20 million located in another city in the same SMSA.

It is important to note that the location and size of certain affiliates of depository organizations may determine whether two depository organizations may interlock without violating the Interlocks Act. Examples of the effect of the general prohibitions follow.

Community

Example 1. If Bank A is located in the same city as S&L B, then the same person cannot serve as a management official of Bank A and S&L B.

Example 2. If Bank A has a depository institution affiliate located in the same city as a depository institution affiliate of S&L B, then the same person cannot

serve as a management official of Bank A and S&L B.

Example 3. If Bank A is located in the same city as a depository institution affiliate of S&L B, then the same person cannot serve as a management official of Bank A and S&L B.

SMSA

Example 1. If Bank A, with total assets of $20 million or more, is located in the same SMSA as Bank B, then, regardless of the assets of Bank B, the same person cannot serve as a management official of Bank A and Bank B.

Example 2. If Bank A, regardless of its total assets, has an affiliate Bank AA with total assets of $20 million or more located in an SMSA, and Bank B, regardless of its total assets, has an affiliate Bank BB located in the same SMSA as Bank AA, then regardless of the total assets of Bank BB, the same person cannot serve as a management official of Bank A and Bank B.

Example 3. If Bank A, with total assets of $20 million or more, is located in the same SMSA as a depository institution affiliate of Bank B, then the same person cannot serve as a management official of Bank A and Bank B.

Major Assets

Example 1. If Bank A has total assets exceeding $500 million and Bank B has total assets exceeding $1 billion, then the same person cannot serve as a management official of Bank A and Bank B.

Example 2. If Bank A has an affiliate Bank AA with total assets exceeding $500 million and Bank B has total assets exceeding $1 billion, then the same person cannot serve as a management official of Bank A and Bank B.

Example 3. If Bank A has an affiliate Bank AA with total assets exceeding $500 million and Bank B has an affiliate Bank BB with total assets exceeding $1 billion, then the same person cannot serve as a management official of Bank A and Bank B.

Example 4. If a nondepository corporation has an affiliate bank holding company (BHC A) with total assets exceeding $500 million and another bank holding company (BHC B) has total assets exceeding $1 billion, then the same person cannot serve as a management official of the nondepository corporation and BHC B or any affiliate of BHC B.

8. *Interlocking relationships permitted by statute.* The final regulations add a new subsection under this heading. The first subsection lists six types of organizations that are not subject to the prohibitions contained in sections 203 and 204 of the Interlocks Act; these exceptions are created by section 205 of the Interlocks Act and their inclusion in the final regulations is merely for the purpose of making the regulations more comprehensive. The bankers' bank exception makes clear that a bankers' bank must have been organized *solely*, rather than merely specifically, for the purpose of serving depository institutions or solely for the purpose of providing clearing services and services related thereto for depository institutions, securities companies, or both.

9. *Interlocking relationships permitted by agency order.* The proposed regulations set forth exceptions to the prohibitions contained in the Interlocks Act. These exceptions are for organizations located in low-income areas and for minority and women's organizations, newly-chartered organizations, organizations facing conditions endangering safety or soundness, and organizations sponsoring credit unions.

The agencies received comments addressing both the issues of the general desirability of exceptions and the need for particular exceptions. A slightly greater number of comments favored the exceptions as a general matter than those that opposed the exceptions. Comments generally supported the exception for newly-chartered organizations, and comments concerning the low-income/minority/women's organization exceptions were about evenly divided. A number of comments suggested that the agencies grant extensions of the permitted time period for the newly-chartered and low-income/minority/women's organization exceptions. The agencies have decided to retain the exceptions as proposed. No exception will be granted by the appropriate agency or agencies unless the need for an interlocking relationship has been demonstrated.

The agencies believe that the low income/minority/women's organization exceptions and the exception for newly/chartered organizations are necessary for the promotion of competition over the long term and serve to encourage the development and preservation of these depository organizations, thereby contributing to the convenience and needs of the public and the well-being of the financial community. In particular, the agencies believe that the exceptions for minority and women's organizations do not create an unfair advantage but recognize that less managerial expertise is available to such organizations because certain minority groups and women have historically been underrepresented at various levels of the banking industry.

Despite comments which suggested providing extensions on the permitted time period for newly-chartered and low-income/minority/women's organization interlocks, the agencies believe that such extensions are inappropriate and have therefore not amended the time periods as suggested. Granting such extensions could diminish the opportunity for independent decision-making at the termination of such interlock.

A few comments addressed the exception for organizations facing conditions endangering safety or soundness. A comment suggested that a mechanism be provided for monitoring such organizations by the appropriate agency. Because the exception requires that the appropriate agency or agencies first make a determination that the interlock is necessary to provide management or operating expertise and because an organization that is experiencing difficulties will already be subject to close agency supervision, no changes have been made to the proposed exception in the final regulations.

An exception for organizations sponsoring a credit union has also been retained as proposed. The exception is based on the recognition that some depository organizations sponsor credit unions as a benefit for their employees. As is the case with all credit unions, the directors must be elected from the pool of persons who are within the field of membership. Since the field of membership in these cases will be the employees of the sponsoring organization, this exception is necessary to provide the credit union full access to qualified management personnel. Because the credit union is not permitted to provide services to the general public, the chances for potentially anticompetitive collusion between the sponsoring organization and its credit union are minimal. In fact, these two organizations do not compete with one another and the exception was created in recognition of this fact.

A number of comments suggested additional exceptions to those originally proposed. Most of these comments suggested that certain types of corporations (such as bank service corporations and corporations formed to engage in loan workouts or electronic funds terminal sharing) be exempted from the prohibitions. The agencies feel that exceptions of this type are unnecessary as the prohibitions in

section 203 of the Interlocks Act (regarding the smaller depository organizations) apply only to depository institutions, depository holding companies, and *depository institution* affiliates of either. A comment was received that suggested a blanket exception that would permit organizations that do not compete to interlock. Although the agencies might by regulation permit certain organizations that do not compete to interlock, the agencies believe that such a blanket exception would be inappropriate.

A few comments requested exceptions for organizations located in rural areas or small organizations, and a comment suggested permitting interlocks at the director level while prohibiting other management official interlocks. Such exceptions would conflict with the express intention of Congress and the purposes of the Interlocks Act.

10. *Effect of the Interlocks Act on the Clayton Act.* In the preamble to the proposed regulations published on February 1, 1979, the Federal Reserve Board stated that it would consider reconciling the provisions of the Interlocks Act and the first three paragraphs of section 8 of the Clayton Act (15 U.S.C. 19). Those provisions of the Clayton Act generally prohibit employee and director interlocks between member banks and other commercial banks. The legal issues have been thoroughly explored and presented to the Federal Reserve Board. The Federal Reserve Board has concluded that the provisions of the first three paragraphs of section 8 of the Clayton Act have been supplanted by the revised and more comprehensive prohibitions on management official interlocks between depository organizations in the Interlocks Act. The final regulations of the Federal Reserve Board reflect this conclusion.

11. *Enforcement of Interlocks Act.* The final regulations state that the Federal Reserve Board administers and enforces the Interlocks Act with respect to State member banks, bank holding companies, and their affiliates; the Comptroller of the Currency with respect to national banks, banks located in the District of Columbia, and their affiliates; the Board of Directors of the Federal Deposit Insurance Corporation with respect to insured State nonmember banks and their affiliates; the Federal Home Loan Bank Board with respect to institutions insured by the Federal Savings and Loan Insurance Corporation, savings and loan holding companies, and their affiliates; and the National Credit Union Administration with respect to Federally-insured credit unions. If an affiliate is primarily subject to the regulation of one of these agencies, such agency will administer and enforce the Interlocks Act with respect to that affiliate. Each agency may refer the case of a prohibited interlocking relationship involving a depository organization or its affiliate subject to its primary jurisdiction, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and regulations issued thereunder.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration amend 12 CFR by revising Part 212, and by adding Parts 26, 348, 563f, and 711, respectively, to read as follows:

FEDERAL RESERVE SYSTEM

12 CFR Part 212

[Reg. L—Docket No. R-0198]

PART 212—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

212.1 Authority, purpose, and scope.
212.2 Definitions.
212.3 General prohibitions.
212.4 Permitted interlocking relationships.
212.5 [Reserved]
212.6 [Reserved]
212.7 Effect of Interlocks Act on Clayton Act.
212.8 Enforcement.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*)

§ 212.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of State member banks, bank holding companies, and their affiliates.

§ 212.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its prinicpal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commerical bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate prinicipally to the business outside of the United States of a foreign commerical bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commerical bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 212.3(b), and include the total assets of all of its affiliates for purposes of § 212.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commerical bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 212.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 212.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 212.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Board order.* A management official of a State member bank, bank holding company, or affiliate of either may apply for the Board's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 212.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a depository organization that

the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a State member bank, bank holding company, or affiliate of either may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the State member bank, bank holding company, or affiliate of either primarily to serve employees of the organization.

§ 212.5 [Reserved]

§ 212.6 [Reserved]

§ 212.7 Effect of Interlocks Act on Clayton Act.

The Board of Governors of the Federal Reserve System regards the provisions of the first three paragraphs of section 8 of the Clayton Act (15 U.S.C. 19) to have been supplanted by the revised and more comprehensive prohibitions on management official interlocks between depository organizations in the Interlocks Act.

§ 212.8 Enforcement.

The Board of Governors of the Federal Reserve System administers and enforces the Interlocks Act with respect to State member banks, bank holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of a State member bank or bank holding company is primarily subject to the regulation of another Federal supervisory agency, then the Board does not administer and enforce the Interlocks Act with respect to that affiliate.

Board of Governors of the Federal Reserve System, July 13, 1979.

Theodore E. Allison,

Secretary of the Board.

DEPARTMENT OF THE TREASURY

12 CFR Part 26

PART 26—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

26.1 Authority, purpose, and scope.
26.2 Definitions.
26.3 General prohibitions.
26.4 Permitted interlocking relationships.
26.5 [Reserved]
26.6 [Reserved]
26.7 Enforcement.

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 et seq.).

§ 26.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to managment officials of national banks, banks located in the District of Columbia, and their affiliates.

§ 26.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agenices determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other ogranization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside of the United States of a foreign commerical bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commerical bank, an electronic terminal, or a loan production office.

(j)–(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 26.3(b), and include the total assets of all of its affiliates for purposes of § 26.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 26.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 26.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 26.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank, or any other bank organized solely for the purposes of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, or securities companies, or both.

(b) *Interlocking relationships permitted by Comptroller's order.* A mangement official of a national bank, bank located in the District of Columbia, or affiliate of either may apply for the Comptroller's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 26.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies, determine the relationship to be necessary to provide managment or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agenices in any specific case.

(2) *Newly-chartered organization.* A management official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies dertermine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A managment official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a national bank, bank located in the District of Columbia, or affiliate of either may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the national bank, bank located in the District of Columbia, or an affiliate of either primarily to serve employees of the organization.

§§ 26.5–26.6 [Reserved]

§ 26.7 Enforcement.

The Comptroller of the Currency administers and enforces the Interlocks Act with respect to national banks, banks located in the District of Columbia, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this Part. If an affiliate of a national bank or a bank located in the District of Columbia is primarily subject to the regulation of another Federal depository organization supervisory agency, then the Comptroller does not administer and enforce the Interlocks Act with respect to that affiliate.

Dated: July 11, 1979.

Lewis G. Odom, Jr.,

Acting Comptroller of the Currency.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

PART 348—MANAGEMENT OFFICAL INTERLOCKS

Sec.

348.1 Authority, purpose, and scope.
348.2 Definitions.
348.3 General Prohibitions.
348.4 Permitted Interlocking Relationships.
348.5 Grandfathered Interlocking Relationships.
348.6 Change in Circumstances.
348.7 Enforcement.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.).

348.1 Authority, purpose, and scope.

(a) *Authority.* This Part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of insured nonmember banks and their affiliates.

§ 348.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider among other things whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group, owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares of the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commerical bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management Official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States but does not include a representative office of a foreign commerical bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 348.3(b), and include the total assets of all of its affiliates for the purposes of § 348.3(c). Total assets of a United States branch or agency of a foreign commerical bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commerical bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 348.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve

at the same time as a management official of another depository organization not affiliated with it, if: (1) Offices of both are located in the same standard metropolitan statistical area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management offical of an affiliate of the greater than $500 million depository organization.

§ 348.4 Permitted interlocking relationships.

(a) *Interlocking relationship with exempt organization.* The prohibitions of § 348.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A state-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "banker's banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationship permitted by Board order.* A management official of an insured nonmember bank or any affiliate thereof may apply for the prior approval of the Board of Directors of the FDIC to enter into a relationship involving a depository organization that would otherwise be prohibited under § 348.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of another depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of an insured nonmember bank or any affiliate thereof may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the insured nonmember bank or any affiliate thereof primarily to serve employees of the organization.

§ 348.5 [Reserved]
§ 348.6 [Reserved]

§ 348.7 Enforcement.

The FDIC administers and enforces the Interlocks Act with respect to insured nonmember banks and their affiliates and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of an insured nonmember bank is primarily subject to the regulation of another Federal depository supervisory agency, then the FDIC does not administer and enforce the Interlocks Act with respect to that affiliate.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation on June 25, 1979.

Hannah R. Gardiner,
Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

[No. 79-381]

PART 563f—MANAGEMENT OFFICIAL INTERLOCKS

July 12, 1979.

Sec.
563f.1 Authority, purpose, and scope.
563f.2 Definitions.
563f.3 General prohibitions.
563f.4 Permitted interlocking relationships.
563f.5 Grandfathered interlocking relationships.
563f.6 Change in circumstances.
563f.7 Enforcement.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.)

§ 563f.1 Authority, Purpose, and Scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of insured institutions, savings and loan holding companies, and their affiliates.

§ 563f.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns, or villages whose borders are within 10 miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected person the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside of the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 563f.3 (a) and (b) and include the total assets of all of its affiliates for purposes of § 563f.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 563f.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 563f.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 563f.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A state-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks"), or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Bank Board order.* A management official of an insured institution, savings and loan holding company, or any affiliate of either may apply for the Bank Board's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 563f.3 if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of an insured institution, savings and loan holding company, or affiliate of either may serve at the same time as a management official of a depository organization (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A management official of an insured institution, savings and loan holding company, or affiliate or either may serve at the same time as a management official of a newly-chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of an insured institution, savings and loan holding company, or affiliate of either may serve at the same time as a management official of a depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of an insured institution, savings and loan holding company, or affiliate of either may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the insured institution, savings and loan holding company, or any affiliate of either primarily to serve employees of the organization.

§ 563f.5 [Reserved]

§ 563f.6 [Reserved]

§ 563f.7 Enforcement.

The Federal Home Loan Bank Board administers and enforces the Interlocks Act with respect to insured institutions, savings and loan holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of an insured institution or savings and loan holding company is primarily subject to the regulation of another Federal supervisory agency, then the Bank Board does not administer and enforce the Interlocks Act with respect to that affiliate.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

PART 711—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

711.1 Authority, purpose, and scope.
711.2 Definitions.
711.3 General prohibitions.
711.4 Permitted interlocking relationships.
711.5 [Reserved]
711.6 [Reserved]
711.7 Enforcement.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.)

§ 711.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.).*

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of federally insured credit unions.

§ 711.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within 10 miles of each other at their closest points. The property line of an office located in unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected

persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (e.g., a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, or a person whose management functions relate principally to the business outside of the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office.

(j) [Reserved]

(k) [Reserved]

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company including the total assets of its depository institution affiliates for the purposes of § 711.3(b), and include the total assets of all of its affiliates for the purposes of § 711.3(c). Total assets of a United States branch or agency means total assets of such branch or agency itself, exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 711.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 711.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 711.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationship permitted by National Credit Union Administration order.* A management official of a federally insured credit union may for the National Credit Union Administration's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 711.3 if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A management official of a federally insured credit union may serve at the same time as a management official of a depository organization (i) located, or to

be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions; (A) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly chartered organization.* A management official of a federally insured credit union may serve at the same time as a management official of a newly chartered depository organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the other organization commences business; (ii) the appropriate Federal supervisory agency or agencies determined the relationship to be necessary to provide management or operating expertise to the other organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A management official of a federally insured credit union may serve at the same time as a management official of a depository organization that the primary Federal supervisory agency believes faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the other organization; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Credit union sponsored by another depository organization.* A management of a federally insured credit union that is sponsored by another depository organization primarily to serve its employees or the employees of its affiliates may serve at the same time as a management official of such sponsoring depository organization.

§ 711.5 [Reserved]

§ 711.6 [Reserved]

§ 711.7 Enforcement.

The National Credit Union Administration administers and enforces the Interlocks Act with respect to federally insured credit unions and may refer the case of a prohibited interlocking relationship involving any such credit union, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part.

(Sec. 209(5), 92 Stat. 3672 (12 U.S.C. 3209(5)), sec. 120, 73 Stat. 635 (12 U.S.C. 1766), and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

Lawrence Connell,

Chairman.

July 13, 1979.

[FR Doc. 79-22296 Filed 7-18-79; 8:45 am]

BILLING CODES 6210-01-M, 4810-33-M, 6714-01-M, 6720-01-M, 7535-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

Truth in Lending; Technical Amendments to Regulation Z

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Technical amendments to Regulation Z to correct references to a section number that has been redesignated.

SUMMARY: The Board is amending two interpretations of Regulation Z, to change incorrect references to a section number that has since been redesignated.

EFFECTIVE DATE: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: Anne Geary, Assistant Director, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

SUPPLEMENTARY INFORMATION: On September 19, 1975, the Board issued regulations amending Regulation Z to implement the Fair Credit Billing Act (40 FR 43200). In implementing certain sections of the Act, paragraph (e) of § 226.7 was redesignated as paragraph (f). At this time, the Board is amending Interpretations § 226.705 and § 226.707 of the regulation, which refer to the original § 226.7(e), to reflect this redesignation.

Therefore, pursuant to the authority granted in 15 U.S.C. 1604 (1976), the Board amends Interpretations § 226.705 and "§ 226.7(f)" to insert wherever the citation "§ 226.7(e)" currently appears.

Board of Governors of the Federal Reserve System, July 13, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-22262 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-EA-24; Amdt. 39-3516]

Airworthiness Directives; AVCO Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to AVCO Lycoming 0-360-A1G6D and LO-360-A1G6D type aircraft engines which requires alteration of the economizer channel plug in the Marvel-Schebler HA-6 carburetor. It appears that the plug has become loose.

EFFECTIVE DATE: July 20, 1979. Compliance is required as set forth in the AD.

ADDRESSES: AVCO Lycoming Service Bulletins may be acquired from the manufacturer at AVCO Lycoming Division, Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There had been reports of power loss on the subject engines installed in Beech Dutchess 76 model airplanes and reports of finding the economizer channel plug unsealed in the carburetor. Since this deficiency can exist or develop in other engines of similar type design, an airworthiness directive is being issued requiring an alteration of the plug. In view of the air safety problem, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

AVCO Lycoming: Applies to AVCO Lycoming 0-360-A1G6D engines with Serial Numbers prior to L-26456-36A except L-23465-36A, L-23783-36A, L-23865-36A, L-24278-36A, L-25075-36A, L-25129-36A, L-25131-36A, L-25998-36A, L-26069-36A through L-26071-36A, L-26073-36A through L-26076-36A, L-26123-36A through L-26128-36A, L-26130-36A, L-26131-36A, L-26139-36A, L-26205-36A through L-26207-36A, L-26236-36A through L-26242-36A, L-26278-36A, L-26281-36A through L-26283-36A, and to the AVCO Lycoming LO-360-A1G6D engines with Serial Numbers prior to L-296-71A except L-102-71A, L-107-71A, L-109-71A, L-113-71A, L-158-71A, L-171-71A, L-237-71A, L-246-71A, L-250-71A, L-255-71A, L-256-71A, L-259-71A through L-273-71A, L-275-71A through L-282-71A, L-284-71A through L-286-71A, L-289-71A.

Compliance required within the next 10 hours in service after the effective date of this AD, unless previously accomplished.

To prevent inflight power loss due to loosening of the internal economizer channel plug in the Model HA-6 carburetor, remove the P/N 80-150 plug and replace with P/N 80-364 plug in accordance with AVCO Lycoming Service Bulletin No. 434 or FAA approved equivalent.

Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region. Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD.

Note.—Marvel-Schebler/Tillotson Service Bulletin A1-79 and Beechcraft Service Instructions No. 1045 also pertains to this subject.

Effective Date: This amendment is effective July 20, 1979.

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

Issued in Jamaica, New York, on July 6, 1979.

L. J. Cardinali,

Acting Director, Eastern Region.

[FR Doc. 79-21989 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SW-7]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Federal Airway V-187E between Farmington, N. Mex., and Albuquerque, N. Mex., and designates alternate airway V-421W from Farmington to Gallup, N. Mex. This action improves air traffic control efficiency by providing laterally separated routes for aircraft operations in the Farmington area.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Divisions, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On May 29, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-187E between Farmington, N. Mex., and Albuqerque, N. Mex., and designate an alternate airway V-421W from Farmington to Gallup, N. Mex. (44 FR 30692). Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No objectional comments were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the **Federal Register** on January 2, 1978 (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns V-187E from Farmington, N. Mex., to Albuquerque, N. Mex., and designates new alternate airway V-421W from Farmington to Gallup, N. Mex. These amendments will improve traffic flow in the Farmington area and simplify flight planning. The current V-187E does not provide a laterally separated route between Farmington and Albuquerque, thereby increasing controller workload when this airway is utilized.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended, effective 0901 GMT, October 4, 1979, as follows:

§ 71.123 [Amended]

Under V-187—"Farmington 138°" is deleted and "Farmington 128°" is substituted therefor.

Under V-421—"Farmington, N. Mex.;" is deleted and "Farmington, N. Mex., including a west alternate via INT Gallup 008° and Farmington 233° radials;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

The FAA has determined that this document involves a 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.

Issued in Washington, D.C., on July 10, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-21988 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-3]

Alteration of Transition Area—Liberal, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Liberal, Kansas, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Liberal, Kansas Municipal Airport based on the Liberal Non-Directional Radio Beacon (NDB), a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft

operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Liberal Municipal Airport, Liberal, Kansas, is being established based on the Liberal Non-Directional Radio Beacon (NDB), a navigational aid. The establishment of an instrument approach procedure based on this approach aid, entails the alteration of the transition area at Liberal, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 29482 and 29483 of the **Federal Register** dated May 21, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Liberal, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 G.M.T. October 4, 1979, by altering the following transition area:

Liberal, Kansas

That airspace extending upwards from 700 feet above the surface within a ten mile radius of the Liberal Municipal Airport (latitude 37°02'40"N.; longitude 100°57'42"W.), and within 3 miles each side of the 180° bearing from the Liberal NDB (latitude 36°57'.32"N.; longitude 100°57'20.86"W.), extending from the 10 mile radius area to 8 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)).

Note.—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.

Issued in Kansas City, Missouri, on July 9, 1979.

C. R. Melugin, Jr.,

Director, Central Region.

[FR Doc. 79-22305 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-EA-9]

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Victor Airway V-297 from Johnstown, Pa., to the Talls Intersection via the 325° magnetic radial of Johnstown. This action improves air traffic control efficiency by establishing the airway with a radial coincidental to an instrument approach procedure to the Johnstown Cambria County Airport and provides additional lateral separation from Westmoreland County Airport terminal area.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On May 24, 1979, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-297 from Johnstown, Pa., to Talls, Pa., Intersection via the Johnstown 320°T(326°M) radial. This realignment will improve air traffic flow in the Johnstown-Latrobe, Pa., area (44 FR 30102). Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No negative comments were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the **Federal Register** on January 2, 1979, (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) realigns V-297 from Johnstown to Talls Intersection. This action improves airspace efficiency by reducing multiple airway crossings in the vicinity of Talls Intersection and establishes an airway radial coincidental to an instrument approach procedure to the Johnstown Cambria County Airport. This amendment will also improve traffic flow in the Westmoreland County Airport by providing additional lateral separation from the terminal area.

Adopton of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended, effective 0901 G.m.t., October 4, 1979, as follows:

Under V-297: "INT Johnstown 315° and Clarion, Pa., 222° radials;" is deleted and "INT Johnstown 320° and Clarion, Pa., 176° radials; INT Johnstown 315° and Clarion, Pa., 222° radials;" is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this document involves a 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.

Issued in Washington, D.C., on July 13, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-22306 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ANW-05]

Alteration of Controlled Airspace, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the designation of controlled airspace in the vicinity of Medford, Oregon. This rule lowers existing 6200 foot transition area to provide controlled airspace to protect a minimum altitude holding pattern at the MERLI Intersection (Roseburg VOR (RBG) Radial 154 and Medford VORTAC (MFR) Radial 251).

EFFECTIVE DATE: August 9, 1979.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW–534), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767–2610.

SUPPLEMENTARY INFORMATION:

History

On May 3, 1979, the FAA published for comment a Notice of Proposed Rulemaking (NPRM) (44 FR 25866), to alter the 6200 foot transition area at Medford, Oregon. This alteration allows the establishment of a standard holding pattern procedure needed at the MERLI Intersection for traffic segregation between Grants Pass Airport departures and Medford terminal and en route operations. No objections were received in response to this Notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (FARs) amends the 6200 foot transition area at Medford, Oregon. This action is necessary to provide controlled airspace for holding aircraft and additional controlled airspace for air traffic control purposes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., August 9, 1979, as follows:

71.181 Medford, Oregon

Replace all after "west by the east edge of V23E;" on line nine with the following:

"and that airspace extending upward from 5500 feet MSL within seven miles north and eleven miles south of the Medford, Oregon, VORTAC 271 Radial extending from the west edge of V–23W and north edge of V–122 to the east edge of V–27."

Drafting Information

The principal authors of this document are Robert L. Brown, Air Traffic Division, and Hays V. Hettinger, Regional Counsel, Northwest Region, Federal Aviation Administration.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69.)

Note.—The Federal Aviation Administration has determined that this document involves a 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.

Issued in Seattle, Washington, on July 10, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79–22308 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–03–M

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14 CFR Part 71

[Airspace Docket No. 79–GL–12]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Coldwater, Michigan to accommodate a new Runway 3 instrument approach procedure into the Branch County Memorial Airport, Coldwater, Michigan established on the basis of a request from the Branch County Airport officials to provide that airport with an additional instrument approach procedure.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of this procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 25240 of the **Federal Register** dated April 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Coldwater, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 4, 1979, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

Coldwater, Michigan

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport (latitude 41° 56′ 05″ N., longitude 85° 02′ 55″ W.), within 2 miles each side of the Litchfield, Michigan VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport, and within 2.5 miles each side of Litchfield, Michigan VORTAC 239° radial extending from the 5-mile radius area to 8 miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61.))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the

Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-12, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-22309 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-14]

Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Marquette, Michigan to accommodate various revised instrument approach procedures into the Marquette County Airport, Marquette, Michigan, established on the basis of a relocation of the Marquette Very High Frequency Omnidirectional Range (VOR) facility to a new site approximately 2000 feet southwest of the previous site.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions. The control zone airspace will be altered by extending the zone approximately ½ mile southwest so as to accommodate the relocated VOR. In addition, the revised instrument approach procedures require the width of the control zone extensions to the southwest and the northeast to be increased from 2 miles either side of approach radials to 3½ miles either side. This will insure that all operations of aircraft in instrument weather conditions below 1000 feet above ground will be contained within the control zone airspace. The 700-foot transition area airspace which extends beyond the control zone does not require alteration to accommodate the revised instrument approach procedures. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 25239 of the **Federal Register** dated April 30, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate additional controlled airspace near Marquette, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 4, 1979, as follows:

In § 71.171 (44 FR 353) the following control zone is amended to read:

Marquette, Michigan

Within a 5 statute mile radius of the Marquette County Airport, (latitude 046°32'02.8" N, longitude 087°33'34.6" W—estimated) and within 3½ mile statute miles each side of the 075° magnetic bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 7 statute miles northeast of the airport; and within 3½ mile statute miles each side of the 250° magnetic bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 9½ statute miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (47 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-14, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-22310 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-13]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near South Bend, Indiana, to accommodate a new Runway 21 instrument approach procedure into the Jerry Tyler Memorial Airport, Niles, Michigan, established on the basis of a request from the Tyler Airport officials to provide that airport with an additional instrument approach procedure.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of the procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 29482 of the **Federal Register** dated May 21, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area near South Bend, Indiana. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 4, 1979, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

South Bend, Indiana

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Michiana Regional Airport, South Bend, Indiana (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from Michiana Regional Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Indiana VOR 360° radial, extending from the Michiana Regional Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Michigan (latitude 41°50'30" N., longitude 86°13'30" W.), extending from the Niles (Tyler Memorial Airport) 2.5 miles either side of the South Bend, Indiana VORTAC 045° radial to eight miles northeast of the Tyler airport, excluding that airspace which overlies the Dowagiac, Michigan transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-13, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-22311 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 91, 121, 129

[Docket No. 19238; SFAR 40]

Termination of Special Federal Aviation Regulation No. 40; Operation of Model DC-10 Airplanes in United States

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Final rule.

SUMMARY: This action terminates the prohibition against the operation of any Model DC-10 airplane within the airspace of the United States. This amendment is necessary to reflect the reinstatement of the Type Certificate for that airplane.

DATES: Effective date: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Howe, Deputy Chief Counsel, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone (202) 426-3775.

Termination of Special Federal Aviation Regulation 40

By Emergency Order of Suspension issued by the Administrator of the Federal Aviation Administration June 6, 1979, Type Certificate No. A22WE issued to McDonnell Douglas Corporation was suspended on an emergency basis, said suspension to be effective until such time as it is found by the Administrator that the Model DC-10 series aircraft meets the applicable certification criteria of Part 25 of the Federal Aviation Regulations (FAR) and is eligible for a type certificate.

The suspension occurred subsequent to an accident on May 25, 1979, involving a McDonnell Douglas DC-10 series aircraft at Chicago, Illinois and was based on information and belief that the aircraft might not meet the requirements of Section 603(a) of the Federal Aviation Act for a type certificate in that it might not be of proper design, material, specification, construction, and performance for safe operation, or meet the minimum standards, rules, and regulations prescribed by the Administrator.

The suspension of Type Certificate No. A22WE was not effective as to operations in the United States of DC-10 series aircraft of foreign registry. Therefore, as stated in its preamble, Special Federal Aviation Regulation (SFAR) 40 was issued on June 6, 1979, to be "* * * effective until it is found by the Administrator that the Model DC-10 series airplane meets the applicable certification criteria of Part 25 of the FAR and is eligible for a type certificate (44 FR 33389, June 8, 1979)."

On June 7, 1979, the Administrator, pursuant to his authority under sections 313, 609, 1002 and 1004 of the Act, ordered through the Chief Counsel of the FAA that formal investigations be undertaken into the matters of (1) type certification of the engine to wing attachment structure of the Model DC-10 series aircraft and (2) air carrier maintenance and airworthiness procedures for said aircraft. Incident to and in the course of the investigation of type certification, he also directed that a thorough reexamination be made of the design and operation of the leading edge outboard slat control system of said aircraft with respect to the effects of asymmetric slat conditions on controllability of the aircraft in critical flight regimes.

As a result of these investigations, he received three reports as follows:

1. Presiding Officer's Report to the Administrator on the Investigation of the McDonnell Douglas Corporation and the Model DC-10 Aircraft, dated July 9, 1979.

2. Report to the Administrator in the Matter of Maintenance and Airworthiness Procedures concerning DC-10 aircraft, dated June 25, 1979.

3. Report to the Administrator on Investigation of Compliance of the DC-10 Aircraft Leading Edge Outboard Slats with Type Certification Requirements, under Asymmetric Slat Conditions, dated July 9, 1979.

Upon thorough review of the analyses, findings and recommendations contained in these reports, and further, upon consideration of actions taken by the Federal Aviation Administration as a result of these investigations, the Administrator found, with respect to those matters investigated, that the Douglas Model DC-10 series aircraft meets the requirements of Section 603(a)(2) of the Act for issuance of a type certificate in that, in such respects, said aircraft is of proper design, material, specification, construction and performance for safe operation and meets the applicable certification criteria of Part 25 of the Federal Aviation Regulations and is eligible for a type certificate.

Thereupon, the Emergency Order of Suspension of Type Certificate No. A22WE for the McDonnell Douglas Model DC-10 airplane was terminated July 13, 1979. Since the stated purpose of SFAR 40 has been accomplished, notice and comment on its termination are unnecessary and good cause exists for making this amendment effective on less than 30 days notice.

Termination of Special Federal Aviation Regulation No. 40

Accordingly, Special Federal Aviation Regulation 40 is terminated, effective immediately.

(Secs. 313(a), 307, 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1348, 1421 and 1423); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on July 13, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79-22367 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 324

[PDR-67; Docket No. 36128]

Procedures for Compensating Air Carriers for Losses

July 13, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Request for Comments on Final Rule.

SUMMARY: By PR-209, also issued today, the CAB is establishing a rule governing the compensation of air carriers for their losses in complying with a Board order to continue service to a community under section 419 of the Act, as amended by the Airline Deregulation Act of 1978. In this proceeding, the CAB invites comments on the rule adopted, with a view to issuing a revised rule later if necessary.

DATES: Comments by: September 17, 1979.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 36128, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 as soon as they are received.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5368.

(Secs. 204 and 419 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1732, 49 U.S.C. 1324, 1389.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22407 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 324

[Regulation PR-209; Docket No. 36128]

Procedures for Compensating Air Carriers for Losses

AGENCY: Civil Aeronautics Board.

ACTION: Interim Rule.

SUMMARY: The Airline Deregulation Act of 1978 includes a new provision authorizing the CAB to order an air carrier to continue to provide essential air service to a community, but requiring the CAB to compensate the carrier for any financial losses that it incurs in complying with that order. The CAB is adopting rules to govern proceedings for determining the compensation for air carrier losses. By PDR-67, also issued today, the CAB invites comments on this rule with a view to issuing a revised rule later if necessary.

DATES: Effective: July 19, 1979 except for sections 324.2 and 324.9 which are subject to GAO clearance. Adopted: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5368.

SUPPLEMENTARY INFORMATION: The Airline Deregulation Act of 1978 (P.L. 95-504) adds a new section 419 to the Federal Aviation Act, 49 U.S.C. 1389, establishing a small community air service program. This program was adopted to ensure that in the move to deregulation, small communities do not have their air service reduced below levels that are considered essential. Toward that end, paragraph 6 of section 419(a) authorizes the Board to require a carrier that has given notice of its intent to suspend, terminate, or reduce service to an eligible point, bringing service to that community below its essential levels, to continue service to such point for a 30-day period beyond the notice period while another air carrier is located to provide that service. The Board can continue to require the carrier to provide service for additional 30-day periods until another air carrier has begun to provide essential air transportation to the point. However, if the Board orders an air carrier to continue to provide essential air transportation to a point, section 419 further authorizes the Board to compensate such air carrier for any losses incurred in complying with that order, regardless of profits earned on other routes.

Compensation of carriers for their losses under this program is distinct from their receipt of subsidy under section 419 (a)(5) and (b)(6). The purposes of subsidies is to aid carriers in providing service indefinitely to a small community. Compensation for losses, however, is to be only a payment for a temporary period until a replacement carrier is found who will provide the essential service to the point on a permanent basis, with or without subsidy. The Board will issue rules governing the amount and manner of payment under the subsidy program at a later date.

Those carriers that are already receiving subsidy payments for service to the point under section 406 (for the carriage of mail) or under section 419(a)(5) (for providing essential service) are not permitted to receive compensation for losses under this program. Section 419 authorizes the Board to continue paying these carriers their established rate of subsidy until another carrier is found to provide the essential air transportation.

The procedure to be used in compensating air carriers for their losses is similar to the one already being used in section 406 mail rate proceedings. Carriers applying for compensation for the carriage of mail attend informal conferences with Board staff in order to reach agreement on a fair rate of compensation, under §§ 302.311-321 of our Rules of Practice. We are establishing a similar conference procedure for carriers seeking compensation for losses under section 419.

Because the Act does not define losses, there is potential for controversy over how they are calculated. By establishing in advance a conference structure with ground rules, the carriers and Board staff can focus on the substantive issues and resolve areas of difference easily and quickly. Carrier representatives and the Board's staff will be able to reach agreement on the levels of compensation needed to ensure that essential service is continued and tax moneys are prudently spent.

The Board's ex parte rules (14 CFR Part 300.2) have already been amended, PR-192, 44 FR 4655, January 23, 1979, to permit the staff to hold discussions with air carriers when such contacts are needed in section 419 matters. The rule we are adopting here merely establishes

the structure in which those contacts will occur.

This program may result in the temporary compensation of profitable trunk carriers. Section 419(a)(7)(B) limits payments to trunk carriers (undefined in the statute) to a "1-year period beginning on the date on which any payment is made." If this section were read literally, it could mean that the 1-year period would not begin until money is actually paid to the carrier. Under such a construction a trunk carrier ordered to continue service for 3 years, for example, could wait until the end of that period to apply for its losses and claim that it is entitled to compensation for the entire period because no payment had previously been made. Such an interpretation would make the period of payments depend on the willingness of the carrier to delay receipt of its first payment, and render the 1-year limitation virtually meaningless.

Such an interpretation would also be inconsistent with the Congressional policy on limiting payments to trunk carriers. It was "the strong intent of the conferees that such subsidization should be done only as a stop-gap measure to assure continued service to a point." (H.R. Rep. No. 95–1179, 95th Cong., 2d Sess. 86 (1978).) The Conferees stated that the payments to trunks should be "limited to a 1-year period for any community." To ensure that a trunk carrier receives compensation for only 1 year's losses, the Board will consider that the first payment, beginning the 1-year period, is made on the first day that compensable losses are incurred by the carrier. This would generally be the first day after the end of the carrier's 90-day notice period.

To receive compensation, the carrier must file an application in the Board's Docket Section. These applications may be filed any time *after* the initial 30-day compulsory service period, but not later than 60 days after the carrier is finally allowed to suspend, terminate, or reduce its service to the point. (Carriers that have already been permitted to terminate service and believe they are entitled to compensation under this program must apply within 60 days of publication of this rule.) An air carrier has the option of filing its application while it is still under Board order to provide the essential service, and receiving periodic payments, or of waiting until it is allowed out of that market and then applying for one lump sum payment. If the carrier opts for the periodic payments, the Board will issue an order setting an interim rate to be paid to the carrier on a periodic basis subject to adjustment after the carrier's service obligation is terminated. This order would set the amount of these payments and the intervals at which they would be made (for examaple, every 30 days). The amount of the periodic payments may be revised upward upon application by the carrier, or downward if necessary to avoid excessive compensation. Otherwise, later payments would automatically be made in the same amount as the intial one. When the carrier was allowed to terminate its service, the payments would stop, an informal conference would be held, as described below, and a show-cause order would be issued proposing a final adjustment of the carrier's claim. If the carrier chose to apply for one lump sum payment, the conference would be held before that payment is made and the Board would issue a show-cause order proposing the compensation to be paid.

Whether the carrier is seeking periodic payments or one payment, the conference will not be held until the carrier is allowed to suspend, terminate, or reduce service as it requested and the total financial loss of the carrier can be determined. In OR–154, authority is delegated to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, to arrange and conduct these conferences. Only the Board's staff and representatives of the affected carrier may attend, unless the staff considers it necessary to invite additional parties. In no event will the staff have the power to compel attendance at the conference.

Those who attend will be required to sign a statement of confidentiality, agreeing not to reveal any decisions made at the conference until the Board acts on them. Conference agreements do not have the effect of final Board action and it would be premature and possibly damaging for third parties, such as a bank approached for a loan, to rely on them as such. Also, a promise of confidentiality encourages a frank discussion and helps the conference procedure work.

In our rules governing section 406 mail rate proceedings, the carrier's directors and conference participants are prohibited from dealing in the carrier's securities for 90 days after the conference is concluded or until the Board acts on the issues covered in the conference. We are not including a similar prohibition in this rule. With the repeal of section 409(b) of the Act, the Board's authority to do so is less certain. It is also questionable whether, in light of the differences between sections 406 and 419, there is any need for this kind of restriction on carrier personnel. The amount of compensation for losses is not expected to be as large as the sums involved in mail rate subsidies. Also, these payments will only be compensating a carrier for losses on one of its routes while section 406 subsidizes a carrier's entire system. The Board will further examine and specifically requests comments on these issues. In the meantime, section 10b (15 U.S.C. 78j(b)) and other relevant securities laws still apply to dealings in the carriers' securities.

We expect conference discussions to deal with the issues and facts involved in developing a method for calculating the carrier's losses. Through such discussions, an agreement should be reached on the fair and reasonable amount of compensation to be paid. Although we are only establishing procedures here, it should be noted that it will probably be necessary to consider, in determining the fair and reasonable amount, the appropriate size of aircraft for serving the point and whether such aircraft are available to the carrier involved. It may also be important to consider the time of day that the flights are scheduled, since unnecessary losses could result from using too-large aircraft or scheduling service at inconvenient times of the day.

At the conclusion of the conference, a recommendation will be made to the Board. If the carrier is applying for a single payment, the recommendation will suggest that amount of compensation that the carrier should receive. If the carrier has been receiving periodic payments, the recommendation will suggest the amount still owed the air carrier or the amount of overpayment that must be recovered, by either direct action or offset, from the carrier. Neither the Board nor the air carrier will be bound by that recommendation or by any decisions reached at the conference. The Board will be free to reject the conference agreement and the carrier free to pursue any rights that it has under the Act or our rules of practice. Although we do not anticipate a need for hearings in these matters, if one is held it will be governed by the procedures most appropriate for the particular situation.

There may be some instances where a carrier will have such financial difficulties in continuing service that it will not survive the 30-day period ordered by the Board without receiving some immediate compensation. In such cases, we will make advance payments pending determination of the permanent rate under the procedures outlined above. To receive the advance payment,

the air carrier should submit an application justifying its need for such compensation and estimating its traffic, revenue, and expenses for the 30-day period, and any investments that will be required to perform the operations during that period. The advance payments may be revised in the same manner as the interim rate and are also subject to the final adjustment by the Board.

The provision in the rule for periodic payments and for advance payments, instead of one final payment, is for the convenience of the carriers, and not required by section 419. As a condition to receiving these payments, the carrier must agree in its application to return any such compensation paid that the Board, in its final adjustment, determines to have been excessive.

This program requires air carriers to prepare and submit certain information to the Board in order to receive compensation. These rules are being made effective immediately, as explained below, except for §§ 324.2 and 324.9, which are being submitted to the General Accounting Office for review under the Federal Reports Act (44 U.S.C. 3512). Carriers are not precluded from applying immediately for compensation using the procedures in §§ 324.2 and 324.9. GAO, however, will conduct its review to ensure that a minimum burden is imposed upon applicants and that the information required is not already available to the Board. We will publish a notice of GAO's decision as soon as it is received.

Since the Board has already ordered some air carriers to continue serving a community after they would otherwise have withdrawn, procedures for compensating them for their losses should be issued as soon as possible. The rule is limited to procedure. We therefore find that notice and public procedure before the adoption of a final rule are unnecessary and contrary to the public interest, and that there is good cause for an immediate effective date.

We realize, however, that the public may have valuable suggestions on whether this or some other procedure would be the most effective way of compensating air carriers for their losses. By a separate notice also issued today, therefore, we are inviting comments on this procedure.

Accordingly, the Civil Aeronautics Board adds a new Part 324, *Procedures for Compensating Air Carriers for Losses,* to Title 14 of the Code of Federal Regulations as set forth below:

PART 324—PROCEDURES FOR COMPENSATING AIR CARRIERS FOR LOSSES

Sec.

324.1 Applicability.
324.2 Application for compensation for losses.
324.3 Procedures after receipt of application.
324.4 Informal conference procedures.
324.5 Participants in the conference.
324.6 Statement of confidentiality.
324.7 Post-conference procedure.
324.8 Effect of conference agreements.
324.9 Procedure for making advance payments.
324.10 Liability of carrier for excess payments.
324.11 Conformity with Subpart A of Part 302.

Authority: Secs. 204, 407, and 419 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 92 Stat. 1732, 49 U.S.C. 1324, 1377, 1389.

§ 324.1 Applicability.

This part applies to proceedings, under sections 419(a)(7)(B) and 419(a)(7)(C) of the Act, for compensating an air carrier for losses incurred in complying with a Board order to continue service.

§ 324.2 Application for compensation for losses.

(a) To receive compensation for its losses incurred in complying with a Board order to continue to provide essential air service, an air carrier shall file in the Docket Section an application titled "Application for Compensation for Losses."

(b) The application may be filed after the first 30-day compulsory service period, but shall not be filed later than 60 days after the carrier is allowed to suspend, terminate, or reduce service. It shall include:

(1) The dates of the compulsory service period covered by the application.

(2) The amount of compensation that is sought.

(3) Detailed information as to traffic, revenues, and expenses during the compulsory service period, and any investments that were required to perform the operations during that period.

(4) Full support for all information.

(5) The assurances required by § 379.4 of this Chapter.

(6) A certification by a responsible officer of the air carrier that the information submitted is true and accurate to the best of his or her knowledge.

(7) A statement acknowledging that any compensation paid in advance under § 324.9 or periodically under § 324.3 is subject to adjustment by the Board.

(c) All information supplied by an air carrier in its application is subject to verification by Board auditors.

§ 324.3 Procedures after receipt of application.

(a) When the application is received *before* the air carrier has been permitted to suspend, terminate, or reduce service, the procedure is as follows:

(1) If the Board finds the application adequate to support the compensation requested, it will issue a show-cause order proposing an amount to be paid to the carrier at regular intervals until the carrier is allowed to suspend, terminate, or reduce service.

(2) If the Board finds the application insufficient to support the compensation requested, it may seek more information. If the Board does not agree to the compensation requested, it will issue an order setting an interim rate to be paid periodically to the carrier. This amount will be subject to the Board's final adjustment after the carrier is allowed to suspend, terminate, or reduce service.

(3) If the carrier seeks an increase in the amount of the periodic payments, it must submit another application. The Board may revise the amount of the periodic payments on its own initiative in order to avoid paying excessive interim compensation.

(b) When the application is received *after* the air carrier has been permitted to suspend, terminate, or reduce service, the procedure is as follows:

(1) If the Board finds the application adequate to support the compensation requested, it will issue a show-cause order proposing an amount of payment to the carrier.

(2) If the Board finds the application insufficient to support the compensation requested, it may seek more information. If the Board does not agree to the compensation requested, it will send the applicant a statement describing the areas in which it disagrees or finds the information presented insufficient, and will refer the matter to an informal conference under § 324.4.

(3) The applicant may file an answer to the statement of disagreement not later than 15 days after it is received.

(c) Any payment will be considered to be made on the first day that losses compensated by that payment were incurred.

§ 324.4 Informal conference procedures.

(a) When there is disagreement on the amount of compensation that should be paid, the Board will arrange a conference with representatives of the air carrier applicant for the purpose of understanding and resolving the issues and facts in proceedings under this part.

(b) The conference shall be limited to the discussion of, and possible agreement on, the fair and reasonable amount of compensation for losses that should be paid to the air carrier required to continue service under Board order.

(c) When the Board takes public action on the matter, a written summary of the conference discussion will be filed in the Docket Section and the Public Reference Room and sent to the carrier involved.

§ 324.5 Participants in the conference.

Other than the Board's staff and representatives of the carrier whose losses are in issue, no person may attend unless the Board's staff considers their presence necessary to resolve one or more of the issues under discussion. In such case, their participation shall be limited to such specific issues. No person, however, is required to attend.

§ 324.6 Statement of confidentiality.

All persons in an informal conference, during the period of the conference and until the Board takes public action on the matter, shall strictly protect information obtained in the conference from disclosure except to the Board's and the applicant's concerned employees and counsel. All persons participating in the conference other than Board staff shall sign a statement in which they agree to so protect the information

§ 324.7 Post-conference procedure.

(a) If any pertinent issues are not resolved at the conference, the air carrier may request a hearing or the opportunity to submit a written or oral statement to the Board. The Board will grant the request if such action is needed for further clarification and understanding of the issues. Granting of the request will not, however, limit the rights that the carrier might otherwise have under the Act and the rules of practice.

(b) If the carrier has not previously received compensation under this part for providing essential service to the point involved in its application, the Board shall issue a show-cause order proposing an amount of payment to the carrier.

(c) If the carrier has been receiving advance payments under § 324.9 or periodic payments under § 324.3(a)(2), the Board shall issue a show-cause order proposing the final adjustment of the carrier's claim, setting forth the Board's tentative findings of the amount it owes the carrier or the amount the carrier owes the Board.

§ 324.8 Effect of conference agreements.

(a) No agreement or understanding on a rate of compensation that is reached in the conference shall be binding on the Board or any participant.

(b) The carrier will have the right to take other procedural steps, including requesting a hearing, as if no conference had been held.

§ 324.9 Procedure for making advance payments.

(a) At any time after a carrier is ordered to continue service, the Board may, upon its own initiative or on petition by the carrier, order advance payments for a carrier's future losses subject to adjustment upon determination of the final rate.

(b) A carrier's petition shall be titled "Petition for Advance Compensation for Losses."

(c) The carrier shall include with its petition, or may be required by the Board to submit, estimates of the information required under § 324.2(b) and an explanation of why it needs advance compensation.

(d) Carriers receiving payments under this section may, absent a filing under § 324.2 of this part, continue to receive the amount of compensation ordered by the Board under paragraph (a) of this section. The Board may revise the amount of these payments in order to avoid paying the carrier excessive compensation.

§ 324.10 Liability of carrier for excess payments.

(a) If the payments to a carrier exceed the amount authorized by the Board in its final adjustment, the affected air carrier shall be liable for repayment of the amount of such excess.

(b) If the carrier fails to make the repayment under paragraph (a) of this section, any future payment due that carrier under this chapter shall be applied to such indebtedness or the Board shall use any other means authorized by law to ensure repayment.

(c) Compliance with the provisions of this section shall not deprive a carrier of any right it would otherwise have to contest the Board's final adjustment.

§ 324.11 Conformity with Subpart A of Part 302.

The provisions of Subpart A of Part 302 of this chapter, except for § 302.8 of this chapter and any other provisions that are inconsistent with this part, shall apply to proceedings under this part.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22408 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 385

[Docket 36128; Amendment 87; Regulation OR-154]

Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In PR-209, issued simultaneously, the CAB established an informal conference procedure for discussing an air carrier's application for compensation for losses when ordered to continue service under section 419 of the Federal Aviation Act. The CAB is delegating to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation (BDA), the authority to notify the air carrier of any disagreement with its application, and to arrange for an informal conference, if needed. The CAB also takes this opportunity to rearrange some of its delegations of authority to reflect organizational changes.

DATES: Adopted: July 13, 1979. Effective: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428; 202-673-5368.

SUPPLEMENTARY INFORMATION: As a result of a recent reorganization, the name of the Bureau of Pricing and Domestic Aviation has been changed to the Bureau of Domestic Aviation (BDA). This rule reflects that change. Conforming changes in other sections of this part will be made at a later date.

Recent reorganizations have also resulted in some functions involving subsidy, formerly exercised by the Associate Director of Pricing, now being exercised by the Chief, Air Carrier Subsidy Need Division, BDA. This rule shifts three delegations of authority to reflect that change.

The Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters,* as follows:

1. Subpart B of the Table of Contents is amended by adding a new § 385.14a, to read:

Subpart B—Delegation of Functions to Staff Members

Sec.

* * * * *

385.14a Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

* * * * *

2. A new § 385.14a is added to Subpart B, to read:

§ 385.14a Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, the authority to:

(a) Send a statement under § 324.3 of this chapter, to an air carrier, disagreeing with its application for compensation for losses under section 419, and to arrange an informal conference under § 324.4 of this chapter for the purpose of resolving these disagreements.

(b) Issue final orders establishing temporary or final subsidy rates under section 406 or 419 or final adjustments of compensation for losses under section 419 in those cases where no objection has been filed to show cause order, and where the rates established are the same as those proposed in the Board approved show cause order.

(c) Issue final orders amending the reporting requirement for distribution of reported services and financial data to selected categories for the semi-annual review of subsidy-eligible and subsidy-ineligible operations under the local service class subsidy rate.

(d) Issue final orders making ad hoc adjustments to individual carrier subsidy ceilings under the local service class subsidy rate for the addition, reinstatement, suspension, or deletion of subsidy-eligible communities to the carrier's route system.

§ 385.16 [Amended]

3. In § 385.16, paragraphs (c), (i), and (j) are revoked and reserved.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 5 U.S.C. Appendix.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22404 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 379

[Regulation SPR-162; Amendment No. 3; Docket 36128]

Nondiscrimination in Federally Assisted Programs of the Board—Effectuation of Title VI of the Civil Rights Act of 1964

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. July 13, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: A new section of the Federal Aviation Act requires the CAB to provide financial assistance to air carriers for providing essential service to small communities. The CAB is amending its rules on nondiscrimination in Federally assisted programs to make clear that carriers receiving this new financial assistance must comply with Title VI of the Civil Rights Act of 1964.

DATES: Effective: July 19, 1979; Adopted: July 13, 1979.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The prohibition against discrimination in Title VI of the Civil Rights Act of 1964 applies to any program for which Federal financial assistance is authorized under a law administered by the Board, particularly compensation for the carriage of mail under section 406 of the Federal Aviation Act. The Airline Deregulation Act of 1978 (P.L. 95-504) added a new section 419 to the Act authorizing the Board also to compensate air carriers for providing essential air service to small communities. An air carrier receiving such compensation, whether subsidy under section 419(a)(5) or 419(b)(6) or compensation for losses under section 419(a)(7) and Part 324 of this chapter, must also comply with Part 379 of the Board's rules and Title VI of the Civil Rights Act of 1964. The Board is therefore amending Part 379 to state specifically that carriers receiving financial assistance under section 419 must comply with Title VI of the Civil Rights Act.

Since this rule states specifically what is already generally required by Part 379, notice and public procedure thereon are unnecessary and contrary to the public interest. Furthermore, since carriers are already receiving compensation under section 419 of the Act, an immediate effective date is in the public interest.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 379, *Nondiscrimination in Federally Assisted Programs of the Board—Effectuation of Title VI of the Civil Rights Act of 1964,* as follows:

1. Section 379.2 is amended to read:

§ 379.2 Application of this part.

This part applies to any program authorized to receive Federal financial assistance under a law administered by the Board, including the payment of compensation by the Board under section 406 or 419 of the Federal Aviation Act of 1958 (49 U.S.C. 1376, 1389). It applies to money paid or other Federal financial assistance extended under any such program after the effective date of this part regardless of the approval or issuance date of the Board order that established an amount of payment pursuant to an application for compensation under Part 324 of this chapter or pursuant to an application for any other Federal payment or financial assistance. This part does not apply to money paid or other assistance extended under any such program before the effective date of this regulation, or to any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 379.3(c).

2. In § 379.3, paragraph (b) is amended to read:

§ 379.3 Discrimination prohibited.

* * * * *

(b) *Specific discriminatory actions prohibited.* (1) No air carrier shall subject any person to discrimination on the ground of race, color, or national origin in connection with air transportation for which such carrier is receiving or has claimed compensation payable under section 406 or section 419 of the Federal Aviation Act of 1958.

* * * * *

3. Section 379.4 is amended to read:

§ 379.4 Assurances required.

Every applicant for or recipient of Federal financial assistance to which this part applies shall, as a condition to approval of its application and/or the extension of such financial assistance, furnish with the application, or on request of the Board in the case of compensation received pursuant to an investigation instituted under section 406 of the Federal Aviation Act of 1958 by the Board or by a person other than the recipient of such compensation, an assurance that it will comply with all

requirements imposed by this part. The Board's request for such assurance will normally be made at the time the application for compensation under section 419 is filed or at the time of a Board order instituting an investigation under section 406.

4. Section 379.12 (b) and (d) is amended to read:

§ 379.12 Definitions.

* * * * *

(b) The term "Federal financial assistance" includes grants of Federal funds under sections 406 or 419 of the Federal Aviation Act.

(c) * * *

(d) The term "applicant" means one who submits an application required to be approved by the Board as a condition to eligibility for Federal financial assistance, including an air carrier that submits an application for subsidy payments or compensation for losses under section 419 of the Federal Aviation Act of 1958, as amended.

(Sec. 602 of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d–l; secs. 204, 404, 419 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 92 Stat. 1732, 49 U.S.C. 1324, 1374, 1389.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22397 Filed 7-18-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 79-193]

Vessels in Foreign and Domestic Trades; Coastwise Transportation of Merchandise

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

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by providing that if merchandise is laden at a coastwise point, transported to an intermediate port or place not subject to the coastwise laws for manufacturing or processing into a new and different product, and thereafter transported to a coastwise point, either leg (or both legs) of the transportation may be accomplished by a vessel not qualified for the coastwise trade. This document also provides a procedure for interested parties to obtain advice as to whether a contemplated undertaking would result in a new and different product.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Charles W. Hart, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 constitution Avenue, NW., Washington, D.C., 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Section 27 of the Merchant Marine Act 1920 (46 U.S.C. 883) in general provides that no merchandise shall be transported between points embraced within the coastwise laws of the United States ("coastwise points"), directly or by way of a foreign port, or for any part of the transportation, except in a vessel built in the United States, owned by a citizen of the United States, and documented under the laws of the United States.

The Customs Service and the former Bureau of Marine Inspection and Navigation, its predecessor agency in the administration of the coastwise laws, have ruled since 1938 that if merchanise is transported from a coastwise point to a port or place not subject to the coastwise laws, such as a port or place in Canada or the Virgin Islands of the United States (to which the coastwise laws expressly do not apply—Executive Order No. 9170 of May 21, 1942), where it is manufactured or processed into a new and different product which thereafter is transported to a coastwise point, either segment (or both segments) of the overall transportation may be accomplished by vessels not qualified to engage in the coastwise trade. The rationale behind these rulings is that the continuity of the transportation is broken at the intermediate port or place and the new and different product resulting from the manufacturing or processing is not the same as that laden at the initial coastwise point.

The Customs Service had been asked to rule whether it would be a violation of the coastwise laws if crude oil were to be transported by foreign vessel from Valdez, Alaska, to the Virgin Islands for refining, and if the refined products, including gasoline and fuel oil, thereafter were transported to a coastwise point.

Because the Customs Regulations do not address this issue, a notice of proposed rulemaking was published in the **Federal Register** on September 14, 1977 (42 FR 46068), to insert a new section 4.80b (19 CFR 4.80b) to incorporate the principles outlined above and to establish a procedure, similar to that in section 4.80a (19 CFR 4.80a), applicable to the coastwise transportation of passengers by foreign vessels, by which interested parties may apply for a ruling as to whether a contemplated undertaking would result in a new and different product.

Interested persons were given until October 14, 1977, to submit relevant written data, views, or arguments. However, pursuant to a request to extend the period of time for the submission of comments, a notice was published in the **Federal Register** on October 18, 1977 (42 FR 55801), extending the period of time to October 31, 1977.

As noted below, most of the comments received in response to the notice were unfavorable. However, in a related matter, the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the District of Columbia have upheld the principles incorporated within the proposed amendment.

Relevant Litigation

A suit was filed by the American Maritime Association against Secretary of the Treasury W. Michael Blumenthal on September 2, 1977, in the U.S. District Court for the District of Columbia in a matter directly related to the proposed amendment. See *American Maritime Association et al.* v. *Blumenthal et al.* (458 F. Supp. 849, October 13, 1977).

Plaintiff sought a determination that carriage by the foreign-flag vessel Hercules and future carriage by other foreign flag tankers of Alaskan oil from Valdez, Alaska, to the Hess refinery in the Virgin Islands, where it would be refined and thereafter shipped to the continental United States, would be in violation of the Jones Act (46 U.S.C. 883).

The district court, however, on page 25 of its Memorandum Opinion, upheld the position of the Customs Service by concluding that:

* * * continuity of transportation within the meaning of the Jones Act is broken if the merchandise is substantially changed into new and different products at the intermediate port. Crude oil is changed into new and different products through processing at the Hess refinery. Thus, the transportation of crude oil by the Hercules or any foreign-flag tankers from Valdez, Alaska to the Virgin Islands, where the oil is refined and thereafter the products are shipped to the United States mainland, is not a violation of the Jones Act. * * *

This decision was affirmed on appeal to the U.S. Court of Appeals for the

District of Columbia (See *American Maritime Association et al.* v. *Blumenthal et al.* (590 F.2d 1156, November 20, 1978). The U.S. Supreme Court denied a petition for a writ of certiorari on May 14, 1979 (Docket No. 78–1287).

Discussion of Major Comments

With one exception, all comments received were unfavorable to some degree. The primary objections raised to the proposal related to the "intent" of the shipper and the "continuity of the voyage."

It was contended that the existence of manufacturing or processing at some intermediate port or place not subject to the coastwise laws does not control the ultimate determination as to whether there has been a transportation of merchandise in violation of the Jones Act; that it is the shipper's intent which determines the character of the voyage; that if it were the shipper's intent to transport oil from Valdez, Alaska, to some other port or place encompassed within the coastwise laws on a foreign-flag vessel, a violation of the Jones Act would occur regardless of any manufacturing or processing at an intermediate port or place not encompassed by the coastwise laws.

In this regard, it was argued that when the language of 19 U.S.C. 1588, a Customs enforcement provision relating to an intent to evade the coastwise laws through a transshipment of merchandise via a foreign port, is read together with the language of 46 U.S.C. 883, consideration of the shipper's intent becomes critical.

It was also contended that an interruption at some intermediate point does not break the continuity of the voyage; that there is one continuous voyage from Valdez, Alaska, through the Virgin Islands to the East Coast of the United States. Several of the commenters cited 32 Op. Att'y. Gen. 350 (1920), and 34 Op. Att'y. Gen. 355 (1924) to support their positions.

It is the position of the Customs Service, upheld by the district court in *American Maritime Association* v. *Blumenthal,* and affirmed on appeal, that the continuity of transportation within the meaning of the Jones Act is broken if the merchandise is substantially changed into a new and different product at an intermediate port or place. Intent would be controlling only if the merchandise does not undergo substantial change into a new and different product, but merely is transshipped at an intermediate port. The two opinions of the Attorney General are relevant only when intent is a factor.

Several commenters contended that the provisions of the Trans-Alaska Pipeline Authorization Act (TAPS Act), Pub. L. 93–153, 87 Stat. 576, implicitly limit the Jones Act exemption granted in 46 U.S.C. 877 to the Virgin Islands and that the proposed regulation fails to accommodate the legislative intent inherent in the TAPS Act to exclude the use of foreign-flag vessels in the transportation of the North Slope crude oil.

In support of these positions, the commenters cited section 401 of the TAPS Act and several passages from the Congressional Record, claiming it is clear that the clearly enunciated purpose of Congress was to exclude foreign-flag vessels from the type of transportation contemplated. Section 401 of the TAPS Act amended the Ports and Waterways Safety Act of 1972, 46 U.S.C. 391a(7)(C), which relates to the rules and regulations to be issued by the Secretary of Transportation in connection with minimum standards of design, construction, alteration, and repair of vessels, for the purpose of protecting the marine environment. The amendment stepped up the effective date of regulations published pursuant to 46 U.S.C. 391a(7)(A) with respect to United States-flag vessels engaged in the coastwise trade.

The district court and the Court of Appeals, in *American Maritime Association* v. *Blumenthal,* reviewed these propositions, found them to be unconvincing, and held that there is no basis for the position that section 401 of the TAPS Act is applicable to this case.

Other commenters expressed concern that the proposed regulation would allow shippers to circumvent the Jones Act by taking a product in a more or less rough state (or bulk form) to some intermediate port or place not subject to the provisions of the Jones Act; there, the merchandise would undergo what was characterized as some relatively slight degree of processing, processing which does not radically alter the nature of the merchandise, or preliminary or intermediate processing. Once this was completed, the merchandise would be returned to the United States. Both legs of this journey would be on foreign-flag vessels. These commenters, as well as others, were critical of prior rulings of the Customs Service, including Treasury Decision 56272(2) and a ruling letter of November 22, 1968, both cited in the notice of proposed rulemaking published in the **Federal Register** on September 14, 1977 (42 FR 46068).

The Customs Service notes that the hypothetical case raised in the preceding paragraph is not at issue. Moreover, the district court and the Court of Appeals, in upholding the above-cited Customs Service precedents, concluded that the agency's interpretation—that continuity of the transportation is broken when the merchandise is manufactured or processed into a new and different product at an intermediate port or place—is both reasonable and consistent with the statutory scheme of the Jones Act.

Three commenters expressed the opinion that the proposed regulation would prejudice the East and Gulf Coast refineries and those who purchase from them because the Virgin Islands refinery would be able to purchase Alaskan crude oil at lower cost due to the shipping cost differential between foreign-flag vessels and United States-Flag carriers, and that this would confer economic benefits upon the Hess refinery which are not available to any other refinery.

There is insufficient material available at this time to fully evaluate this claim. However, even assuming that the claim is valid, these economic considerations would not affect the Customs Service's interpretation of the Jones Act.

One commenter expressed concern that the proposed regulation would permit the North Slope oil to be shipped by a foreign-flag tanker to the Virgin Islands and there partially off-loaded onto another foreign-flag tanker. When this was completed, both vessels would be "topped" with foreign crude oil and proceed to a domestic port for off-loading of "blended" crude oil.

The proposed regulation would not encompass the described hypothetical transaction because there would not have been a manufacturing or processing into a new and different product. Furthermore, for there to be a break in the continuity of the transportation, the merchandise would have to be off-loaded and entered into the commerce of the Virgin Islands for manufacturing or processing.

Another commenter contended that the proposed regulation would permit foreign-flag fish processing vessels to load substantial amounts of Alaskan fish at an Alaskan port, transport them to a nearby port or place not subject to the coastwise laws, process the fish in the vessel, and then proceed to a point in the United States and market the fish.

It is the position of the Customs Service that, in this circumstance, if the fish were transported on and processed

in a foreign vessel while on the high seas, the regulation would not apply. In referring to an intermediate port or place, the proposed regulation does not purport to include a point on the high seas. If the processing vessel were to dock at an intermediate port or place as contemplated by the regulation and there process the fish on the vessel, the same problem would confront it as would confront a vessel transporting Alaskan crude oil which would be "topped" with foreign oil, *viz.*, the continuity of the transportation would not have been broken as there is no off-lading of the merchandise.

One commenter took the position that Customs is treating the shipments of oil as exportations and, to that extent, the treatment conflicts with the TAPS Act which prohibits exports of the North Slope crude oil, except under very limited circumstances.

Whether the shipments of the subject oil are exports within the meaning of the TAPS Act is within the jurisdiction of the Department of Commerce. Irrespective of the characterization of the shipment and any purported conflict with the TAPS Act, the Customs Service must interpret and enforce the Jones Act. If any violation of the TAPS Act occurs, the parties involved may pursue other avenues for relief.

Several commenters cited court cases dealing with the regulation of interstate commerce where the continuity of the tranportation was a critical factor. The district court and the Court of Appeals, however, found these cases unpersuasive and adopted the position of Customs as expressed in the notice of proposed rulemaking.

One commenter expressed concern about the absence of objective criteria consistent with 46 U.S.C. 883 for determining when processing at an intermediate port or place results in a new and different product. It was suggested that if the criteria were not included in § 4.80b, each request for a ruling be published in the **Federal Register**; that the public be given an opportunity to comment; and any comments submitted be considered before a final decision is made. Other commenters expressed similar sentiments.

Because of the diversity of circumstances which can arise, it would be inappropriate to draft a set of criteria to be applied in all instances. The district court, however, in discussing the products refined from the Alaskan crude oil concluded that "[e]ach of [the] products is different in name, physical and chemical character, and use from each other and from crude oil." Memorandum Opinion at page 24. Certainly, the name, character and use of the manufactured or processed merchandise would be taken into consideration in making a decision. The Customs Service believes that a request for an advisory ruling from its Carriers, Drawback and Bonds Division would be best processed in accordance with the provisions of Part 177 of the Customs Regulations (19 CFR Part 177). Additionally, unless otherwise exempt from disclosure, any ruling with respect to this question would be available to any member of the public, who then would be able to determine exactly what criteria were applied.

The favorable views provided by one commenter essentially underscored those parts of the Memorandum Opinion issued by the district court in *American Maritime Association* v. *Blumenthal* and affirmed on appeal.

Amendment to the Regulations

After consideration of all the comments received, and in view of the decisions of the district court and the Court of Appeals in *American Maritime Association* v. *Blumenthal*, the proposed amendment to Part 4 of the Customs Regulations is adopted without change as set forth below.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

R. E. Chasen,

Commissioner of Customs.

Approved: June 18, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Part 4 of the Customs Regulations (19 CFR Part 4) is amended by inserting a new § 4.80b to read as follows:

§ 4.80b Coastwise transportation of merchandise.

(a) *Effect of manufacturing or processing at intermediate port or place.* A coastwise transportation of merchandise takes places, within the meaning of the coastwise laws, when merchandise laden at a point embraced within the coastwise laws ("coastwise point") is unladen at another coastwise point, regardless of the origin or ultimate destination of the merchandise. However, merchandise is not transported coastwise if at an intermediate port or place other than a coastwise point (that is at a foreign port or place, or at a port or place in a territory or possession of the United States not subject to the coastwise laws), it is manufactured or processed into a new and different product, and the new and different product thereafter is transported to a coastwise point.

(b) *Requst for ruling.* Interested parties may request an advisory ruling from Headquarters, United States Customs Service, Attention: Carriers, Drawback and Bonds Division, as to whether a specific action taken or to be taken with respect to merchandise at the intermediate port or place will result in its becoming a new and different product for purposes of this section. The request shall be filed in accordance with the provisions of Part 177 of this chapter.

(R.S. 251, as amended, sec. 27, 41 Stat. 998, as amended (5 U.S.C. 301, 19 U.S.C. 66, 46 U.S.C. 883).)

[FR Doc 79-22328 Filed 7-18-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Administrative Functions; Administrative Hearings; Amendment of Hearing Procedures

AGENCY: Drug Enforcement Administration, United States Department of Justice.

ACTION: Final Rule.

SUMMARY: This rule amends the DEA hearing procedures to provide parties with a reasonable opportunity to file with the Administrator, prior to his final decision in any administrative hearing matter, exceptions to the decision, findings of fact and conclusions of law proposed or recommended by the Administrative Law Judge.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Stephen E. Stone, Attorney, Office of the Chief Counsel, Drug Enforcement Administration, Washington, D.C. 20537. Telephone (202) 633-1141.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act, Title 5, United States Code, Section 557(c), provides that parties to administrative proceedings are entitled to a reasonable opportunity to file exceptions to a recommended decision prior to the rendering of a final decision by the agency. As presently constituted, the

procedures of the Drug Enforcement Administration provide that any party to an administrative proceeding may file proposed findings of fact and conclusions of law, together with supporting reasons therefor and evidence of record, with the Administrative Law Judge or presiding officer. Such proposed findings of fact and conclusions of law are considered by the Administrative Law Judge and are included in the record certified to the Administrator for his consideration. The regulations do not, however, provide for the filing of exceptions by any party once the presiding officer has notified the parties of his recommended decision and has certified the record of the proceedings to the Administrator.

Since the enactment of the Controlled Substances Act, Title 21, United States Code, Section 801, and following, and the regulations promulgated thereunder, no party to a DEA hearing has ever requested an opportunity to file such exceptions. There is no question but that such a request would be granted. Nevertheless, one United States Court of Appeals, reviewing a DEA final order, has pointed out the lack of a provision giving parties the opportunity to file such exceptions, and a second Court of Appeals has ruled that the purpose of Section 557(c) is to provide parties with some input at each level of the decisional process.

In order to insure that the DEA administrative hearing procedures strictly comply with the provisions of the Administrative Procedure Act, the Administrator has decided to amend the hearing procedures so as to provide for the filing of exceptions to the recommended decision, findings of fact and conclusions of law. It is not, however, intended that the filing of such exceptions be permitted to unduly extend the already lengthy administrative procedures. For this reason, parties will be allowed no more than twenty days after the date upon which they are notified of the recommended decision of the presiding officer to file exceptions thereto with the Administrator.

Therefore, under the authority vested in him by the Controlled Substances Act and the regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that the following sections of Part 1316, Title 21, Code of Federal Regulations, be amended to read:

1. Section 1316.65 is amended by revising (b) to read as follows:

§ 1316.65 Report and record.

* * * * *

(b) The presiding officer shall certify to the Administrator the record, which shall contain the transcript of testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, and his report. The presiding officer shall, at the same time, serve a copy of his report upon each party in the hearing.

2. Section 1316.66 is revised to read as follows:

§ 1316.66 Exceptions.

(a) Within twenty (20) days after the date upon which a party is served a copy of the report of the presiding officer, such party may file with the Administrator exceptions to the recommended decision, findings of fact and conclusions of law contained in the report of the presiding officer. The party shall include a statement of supporting reasons for such exceptions, together with evidence of record (including specific and complete citations of the pages of the transcript and exhibits) and citations of the authorities relied upon.

(b) The Administrator shall consider the exceptions filed by any party and shall cause such filing to become part of the record of the proceeding.

(c) The Administrator may, upon the request of any party to a proceeding, grant additional time for the filing of a responsive pleading, if he determines that no party in the hearing will be unduly prejudiced and that the ends of justice will be served thereby. Provided however, that each party shall be permitted to file only one pleading under this section; that is, either a set of exceptions or a response thereto.

3. Section 1316.67 is revised to read as follows:

§ 1316.67 Final order.

As soon as practicable after the presiding officer has certified the record to the Administrator, but not sooner than twenty days thereafter, the Administrator shall cause to be published in the **Federal Register** his order in the proceeding, which shall set forth the final rule and the findings of facts and conclusions of law upon which the rule is based. This order shall specify the date on which it shall take effect, which date shall not be less than 30 days from the date of publication in the **Federal Register** unless the Administrator finds that the public interest in the matter necessitates an earlier effective date, in which event the Administrator shall specify in the order his findings as to the conditions which led him to conclude that an earlier effective date was required.

4. Section 1316.67, titled "Copies of petitions for judicial review," is renumbered as § 1316.68.

Dated: July 13, 1979.

Peter B. Bensinger,

Administrator.

[FR Doc. 79-22398 Filed 7-18-79; 8:45 am]

BILLING CODE 4110-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-79-671]

Community Development Block Grants; Small Cities Program

Correction

In FR Doc. 79-19841 appearing at page 37438 in the issue of Tuesday, June 26, 1979, the following corrections should be made:

A. In the preamble portion of the document: 1. On page 37478, in the second column, under the heading "§ *570.420(g) Restrictions on applying for grants*", in the twenty-second line of the paragraph, the comma after the words "additional grants" should be replaced by a period.

2. On page 37479, in the second column, the heading which reads "§ *570.426 Single purpose program general requirements*" is numbered incorrectly. It should read "§ *570.427 Single purpose program general requirements*".

B. In the regulatory portion of the document: 1. On Page 37480, in the first column, the table of contents entry for § 570.424 which reads "Selective system for comprehensive grants" should read "Selection system for comprehensive grants".

2. Also on page 37480, in the first column, in § 570.420(a), in the twelfth line, the word "as" should be inserted immediately after the words "as well".

3. On page 37482, in the first column, in § 570.423(c)(2), the first line, the paragraph number "(1)" should read "(i)".

4. Also on page 37482, in the first column, in § 570.423(c)(3), the second line, the paragraph number "(1)" should read "(i)".

5. On page 37484, in the second column, the table in § 570.428 is corrected to read as follows:

	Points
(a) Need—absolute number of poverty persons	100
(b) Need—percent of poverty persons	50
(c) Need—absolute number of substandard housing units	30
(d) Need—percent of substandard housing units	20
(e) Program factor:	
Impact of the proposed program	200
(f) Benefit to low- and moderate-income persons	200
(g) Performance:	
Housing	100
Local equal opportunity efforts	50
(h) Other:	
Housing opportunity plan	50
Enhances position as a regional center	25
Implements State growth plan	25
Other Federal programs	25

6. On page 37485, in the first column, in § 570.428(g)(2), the second line, the paragraph number "(1)" should read "(i)".

7. On page 37486, in the first column, in § 570.430(c)(1)(ii), in the last line, the reference to § 570.304(b)(2)(ii) is corrected to refer to § 570.306(b)(2)(ii).

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the Interim Regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits prescribes the interest rates and factors the Pension Benefit Guaranty Corporation (the "PBGC") will use to value benefits provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA"). This valuation is necessary because under section 4041 of ERISA, the PBGC must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the unfunded guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation must be adjusted periodically to reflect changes in investment markets. This amendment adopts the rates and factors applicable to plans that terminated on or after March 1, 1979, but before June 1, 1979, and will enable the PBGC to value the benefits provided under those plans.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 et seq.). Specifically, the regulation contains a number of formulae for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulae. Because these rates and factors must be reflective of investment experience, it is necessary to update the rates and factors periodically. When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before March 1, 1979. (29 CFR 2610 (1978), 43 FR 55240 et seq., 44 FR 3971 et seq., 44 FR 22454). The purpose of this amendment is to provide the rates and factors applicable to plans that terminated on or after March 1, 1979, but before June 1, 1979.

On February 20, 1979, the PBGC published for comment in the **Federal Register** (44 FR 10398) a proposal that in the future new interest rates and factors would be issued in final form without first being published in a Notice of Proposed Rulemaking. The PBGC received only two comments relating to that proposal, both of which were favorable, and on April 16, 1979 (44 FR 22453), the PBGC adopted that proposal as its new procedure for issuing new interest rates and factors.

Because the PBGC cannot value the benefits provided under pension plans that terminated on or after March 1, 1979 and before June 1, 1979 until these new interest rates and factors are promulgated, and consistent with the new procedure adopted by the PBGC on April 16, 1979 (see above), the PBGC finds that notice of and public comment on this amendment are impracticable and unnecessary. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that terminated on or after March 1, 1979, but before June 1, 1979, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

The PBGC has determined that this amendment to the Valuation of Benefits regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 58237 (December 13, 1978). The reasons for this determination are that this amendment is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Code of Federal Regulations, is hereby amended by adding a new Table XIV to Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Benefits

* * * * *

XIV. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after March 1, 1979, but before June 1, 1979.*

I. *Interest rates for valuing immediate annuities.*

An interest rate of 7½ percent shall be used to value immediate annuities, to compute the quantity "G_y" in § 2610.6 and for valuing both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factor shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0675$
(2) $k_2 = 1.055$
(3) $k_3 = 1.04$
(4) $n_1 = 7$
(5) $n_2 = 8$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C., on this 16th day of July, 1979.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of

Directors authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 79-22294 Filed 7-18-79; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2618

Rules for Administrative Review of Agency Decisions

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation sets forth the rules governing the issuance of most initial determinations by the Pension Benefit Guaranty Corporation (the "PBGC") and the procedures for requesting and obtaining administrative review by the PBGC of those determinations. Over the past four and one half years since the enactment of the Employee Retirement Income Security Act of 1974 ("ERISA"), the number of cases processed by the PBGC has increased substantially as it has placed into effect the program of pension plan termination insurance it administers under ERISA. One corollary of this increased activity by the PBGC has been the increase in the number of requests by pension plan participants and employers who maintain pension plans for administrative review by the PBGC of its determinations. In order to facilitate the administrative review process, the PBGC is publishing rules to govern the administrative review of its decisions. The intended effect of this regulation is to ensure that persons who are adversely affected by determinations of the PBGC are provided with an opportunity to present fully their positions to the PBGC before a final decision is made by the agency.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Joan Segal, Staff Attorney, Office of the General Counsel, 2020 K Street, N.W., Washington, D.C. 20006; 202-254-3010.

SUPPLEMENTARY INFORMATION: On February 6, 1979, the PBGC published in the **Federal Register** a proposed regulation entitled "Rules for Administrative Review of Agency Decisions" (44 FR 7178). The proposed regulation set forth procedures whereby persons who deal with the PBGC can obtain administrative review by the PBGC of its decisions that affect them. Public comments were solicited on the proposal, and the PBGC was pleased to receive a number of perceptive and useful suggestions. The final regulation set forth in this document differs substantively from the proposal in several respects; most of those changes have been made in response to the comments. Additionally, some nonsubstantive changes have been made that the PBGC believes simplify and generally clarify the regulation. In the discussion that follows, citations are to sections in the final regulation, unless otherwise stated.

Review of Determinations not Subject to the Regulation

In the preamble to the proposed regulation, the PBGC stated that where it determines that it would be appropriate to do so, it will informally review, upon request, determinations that are not subject to the administrative review provisions of the regulation. One comment suggested that, "in the interests of completeness," the above statement be included in the body of the regulation. The PBGC agrees with the comment and has made the necessary change in the final regulation (§ 2618.1). However, it is noted that review of determinations not covered by this regulation is discretionary with the PBGC, and such review is not subject to the provisions of the regulation.

The same comment also recommended that the words "upon request" be deleted from this provision for discretionary review of non-covered determinations. The PBGC believes, however, that this change would be inconsistent with a major purpose of the regulation: to inform persons aggrieved by PBGC determinations of the steps that they must take in order to obtain administrative review. Although the PBGC can on its own initiative review determinations it has made, as a rule it does not do so. Accordingly, the PBGC believes that the regulation should state that a person who would like administrative review of a determination not subject to the regulation should request review.

Scope of Subparts C and D

The regulation applies to eleven types of determinations made by the PBGC. Under the proposal seven of the determinations were subject both to reconsideration and appeal; four were subject only to reconsideration. Two comments addressed the fact that under the proposal certain determinations covered by the regulation were subject to both types of review. One comment pointed out that since an initial determination of the PBGC may adversely affect a number of parties, it would be possible, under the regulation as proposed, for one person to file a request for reconsideration of a determination, while another person filed an appeal of the same determination. The second comment suggested that the proposal was inconsistent in providing that a decision on a request for reconsideration was final for the purpose of judicial review but might nevertheless be appealed to the Appeals Board. The PBGC has reexamined this issue and, as a result, has changed the final regulation to provide that those determinations subject to appeal are not subject to reconsideration. Thus, each determination covered by the regulation is subject to only one form of administrative review, either reconsideration or appeal.

Another comment asked why all eleven of the covered determinations were not subject to appeal. This regulation was developed in the light of two sometimes conflicting concerns: the need not to overburden PBGC's administrative resources and the need to provide aggrieved persons with an opportunity to obtain administrative review that is adequate given the nature of the adverse determination. The appeals procedure puts a greater burden on administrative resources than the reconsideration procedure. Given this fact, the PBGC believes that appeals are warranted only where the complexity of the issues involved and the nature and immediacy of the impact of the determination on the aggrieved party indicate that a more sophisticated kind of review, involving review by a three-person board and the opportunity to appear in person and to present witnesses, should be provided at the administrative level.

For example, a determination that a plan is covered by Title IV of ERISA obligates the employer to pay premiums to the PBGC. However, that determination is not self-enforcing. Should an employer refuse to pay premiums, the PBGC would be forced to seek a court order requiring premium payments, and once in court, the employer would be able to litigate the issues involved in the dispute prior to the issuance of any order directing payment. In this situation, the PBGC believes it is reasonable to provide only the more streamlined form of administrative review of its decision, i.e., reconsideration.

On the other hand, a determination that an employer is liable to the PBGC under § 4062 of ERISA will, once the PBGC has demanded payment of the liability and payment is refused, give rise to a lien, pursuant to § 4068 of

ERISA, in favor of the PBGC upon all property belonging to the employer. The PBGC does not have to go to court to have the lien imposed. Because of the immediacy and the gravity of the impact of a demand for payment of employer liability, the PBGC will provide the employer with an opportunity for a more exacting administrative review of the underlying determination through the appeals process, prior to making a demand for payment.

The same comment also asked why a determination that a plan is covered is not appealable, while a determination that a plan is not covered is appealable. Again, the answer lies in the differing impact the determinations have on the affected persons. As discussed above, a determination that a plan is covered imposes on the employer an obligation to pay premiums, but the impact of that decision on the employer is rather indirect since the decision can only be enforced by means of a judicial proceeding. On the other hand, a determination that a plan is not covered, which means the PBGC would not guarantee benefits upon plan termination, has a very direct and significant impact on plan participants. Because there is no further action needed to effectuate PBGC's determination that benefits are not guaranteed, PBGC believes plan participants should be given the opportunity afforded by the appeals process to present fully their arguments and to have those arguments thoroughly reviewed by the PBGC.

The comment also asked what the difference is between the reconsideration and the appeals procedures. The most significant differences are that an appellant, unlike a person requesting reconsideration, may request an opportunity to appear in person and to present witnesses, and an appeal is decided by a three-person board, while a reconsideration is performed by one person. This comment suggested that reconsideration "be limited to correcting clear factual errors involved in the initial determination, considering newly discovered facts, or presenting relevant issues that were not considered in the initial determination." Each of these clearly constitutes grounds for reconsideration, but the PBGC sees no reason to so limit the availability of that form of review.

Finally, with respect to the scope of the review procedures, the PBGC points out that requests for review of certain determinations may call into question the constituent parts of those determinations. For example, an appeal of the amount of employer liability assessed under § 4062 may challenge the underlying determination by the PBGC of the amount of plan asset insufficiency or of employer net worth, or both. Such underlying determinations are subject to review upon review of the ultimate determination, provided the underlying determination is not one committed to the discretion of PBGC by Title IV of ERISA.

Definition of Aggrieved Person

Several comments stated that the definition of "aggrieved" set forth in the proposal seemed to preclude a former contributor to a multiple or multiemployer plan who is adversely affected by a determination of the PBGC under § 4063 or § 4064 of ERISA from seeking administrative review. Additionally, it was suggested that the proposed definition be clarified to reflect the fact that the term employer includes all trades and businesses under common control. In drafting the proposed definition, it was not the intention of the PBGC to preclude former contributors to a multiple or multiemployer plan or members of a controlled group from obtaining administrative review of adverse determinations. Thus, to ensure clarity, the definition of "aggrieved" as set forth in the final regulation expressly applies to former contributors and members of a controlled group (§ 2618.2).

A number of comments also suggested that the definition of "aggrieved" should include employee organizations that represent plan participants. However, the definition of "aggrieved" set forth in the regulation is consistent with § 4003(f) of ERISA, which is the provision for judicial review of PBGC actions. Section 4003(f) provides that, inter alia, plan participants and beneficiaries, but not employee organizations, may seek judicial review of PBGC actions. The PBGC does not have any information that this statutory provision has been a significant obstacle to employee organization involvement in Title IV litigation and use of the same scope should not prejudice appropriate participation by such organizations in PBGC proceedings.

In addition, one comment suggested that employee organizations that maintain pension plans, either alone or jointly with employers, should be included in the definition of "aggrieved." In response, the PBGC points out that an employee organization that maintains a plan for its own employees is an employer and, as such, may seek administrative review under the regulation. Further, pension plans maintained by employee organizations for their members are exempt under section 4021(b) from coverage under Title IV of ERISA. Finally, in plans jointly maintained by an employer and an employee organization, a joint board comprised of representatives of both is generally the plan administrator, and a plan administrator may seek administrative review under the final regulation. Accordingly, the PBGC does not believe that it is necessary to include employee organizations in the definition of "aggrieved" party.

In response to comments that the proposed definitions of "aggrieved" and "person" are unduly restrictive, and for the sake of clarity, the PBGC has re-written and combined the two definitions. The final regulation defines an "aggrieved person" as: "any participant, beneficiary, plan administrator, or employer adversly affected by an initial determination of the PBGC with respect to a pension plan in which such participant, beneficiary, plan administrator or employer has an interest * * *" (§ 2618.2).

Appeals Board

The definition of the Appeals Board set forth in the proposal excluded from the Board any "person who made a decision that is appealable * * *". One comment suggested that the definition may be read to "exclude from the Board all persons who have experience making the kinds of determinations that may be appealed." This is not the intention of the PBGC. In order to eliminate possible misunderstanding with respect to the composition of the Appeals Board and consistent with a comment that the definition should exclude persons who have made any determination involving the plan that is the subject of the appeal, the definition has been changed to make clear that a person may not serve on the Appeals Board with respect to any case in which he or she has made a determination (§ 2618.2).

Requests For PBGC Assistance In Obtaining Information

Under the proposal, a person who lacks information or data necessary to file a request for review or necessary to a decision whether to seek review, could request the PBGC's assistance in obtaining the information (proposed § 2618.5). One comment suggested that the provision be clarified with respect to the type of information referred to, the type of assistance that may be provided, and the standard to be applied by the PBGC in determining whether to provide assistance. The PBGC has considered this suggestion and has decided against adopting it. We do not believe that it

would be helpful, or perhaps even possible, to try to limit in advance the type of information to which this provision applies and the type of assistance that PBGC would provide and under what circumstances it would be provided.

Time Limits

The proposal required that a request for reconsideration be filed within 30 days after the date of the determination of which reconsideration is sought, and that an appeal be filed within 45 days after the date of the determination being appealed (proposed §§ 2618.33 and 2618.53).

One comment asked why the time limits are different with respect to reconsideration and appeal. The reason the PBGC has allowed more time in the case of an appeal is that more extensive preparation will probably be needed for the filing of an appeal than for the filing of a request for reconsideration. For example, a person filing an appeal has the right to request to appear in person and to present witnesses, and therefore more time is provided the appellant to help insure that he or she has adequate time to seek out witnesses and to determine whether an oral presentation would be worthwhile.

A number of comments suggested that the prescribed periods of time are too short and recommended that a provision for extensions of time be included in the regulation. The proposal did include provisions for enlarging the prescribed time periods: proposed §§ 2618.36(d) and 2618.60(e) provided that requests for reconsideration and appeals that are not filed in a timely manner may be summarily denied, unless good cause is shown for the delay. However, in order to remove any doubt concerning the availability of extensions of time, the PBGC has eliminated proposed §§ 2618.36(d) and 2618.60(e) and included in the final regulation a new § 2618.4, which provides that the PBGC will, upon good cause shown, grant an extension of time within which to file any document required or permitted to be filed under this regulation, provided the request for an extension is filed before the expiration of the prescribed period of time. As recommended by one of the comments, the provision states that a person requesting an extension must specify the amount of additional time requested. The PBGC has not, however, adopted a suggestion that a person whose request for an extension is denied be insured a minimum of 10 days after the denial to file the request for reconsideration or the appeal. The PBGC believes that the time limits set forth in the regulation are reasonable, and that the suggested provision might provide a method of circumventing those limits.

Also in connection with the issue of time limits, a couple of comments raised the possibility that a person who is adversely affected by a determination by the PBGC might not learn of that determination until after the prescribed period of time for requesting review had passed. The PBGC believes that the concern expressed by these comments is largely unwarranted because most determinations that adversely affect persons are necessarily communicated to them by the PBGC in the course of administering the plan termination insurance program (e.g., the PBGC routinely notifies plan participants of the amount of their guaranteed benefits). The PBGC does recognize, however, that there may be situations where an adversely affected person does not, in fact, learn of a determination in time to file a timely request for review. Accordingly, the PBGC provided in the proposal (as discussed above) that nontimely requests for review would not be summarily denied if good cause for the delay were shown (proposed §§ 2618.36(d) and 2618.60(e)); lack of knowledge of the determination is certainly "good cause" for delay. However, some of the comments received indicate that this point was not made sufficiently clear in the proposal, and therefore PBGC has provided in a new § 2618.5 that if a person aggrieved by a determination shows that he or she failed to file a timely request for review or for an extension of time because he or she neither knew nor, with due diligence, could have known of the determination, he or she will be permitted to file a request for review. A person to whom § 2618.5 applies must file a request for reconsideration or an appeal, or an extension of time to file either, within 30 days or 45 days, respectively, after the date he or she, exercising due diligence at all relevant times, first learned of the adverse determination.

The regulation also provides that before the Appeals Board issues a decision granting, in whole or in part, the relief requested in an appeal, it shall make a reasonable effort to notify third persons who will be aggrieved by the decision of the pendency of the appeal and of their right to participate in the appeal (§ 2618.58). Under the proposal, written comments and a request to appear before the Appeals Board had to be filed within 30 days after the date of the notice from the Appeals Board. One comment suggested that 30 days is insufficient. The PBGC agrees and has enlarged the period to 45 days. Further, pursuant to § 2618.4, a potentially aggrieved third party may request an extension of time within which to file.

Finally, the question of time limits is relevant in connection with the issuance by the PBGC of decisions on requests for reconsideration and appeal. Under the proposal, decisions on requests for review did not have to be issued within a specified period of time. The proposed regulation did provide, however, that if within a specified period of time, a person who filed a request for review does not receive a decision and is not notified that additional time is necessary to issue a decision, he or she is deemed to have exhausted his or her administrative remedies and may seek judicial review (proposed §§ 2618.36(c) and 2618.60(c)). One comment suggested that the regulation should specify the period of time in which PBGC will issue decisions and also provide that PBGC retain authority to grant itself extensions of time, also for specified periods set forth in the regulation. The PBGC reviewed proposed §§ 2618.36(c) and 2618.60(c) in light of this comment and decided that, because of the difficulty of accurately forecasting the amount of time necessary to resolve specific cases, it would not be helpful to attempt to specify the periods of time within which decisions will be issued. Accordingly, proposed §§ 2618.36(c) and 2618.60(c) have been eliminated. The PBGC emphasizes, however, that although no time limits are set, every attempt will be made to issue decisions as quickly as possible.

Representation

One comment suggested that where an aggrieved party has designated a representative to act on his or her behalf in pursuing administrative review, the PBGC should require evidence of the authority of the representative to act. In response to this suggestion and consistent with the requirement contained in PBGC's Notice of Intent to Terminate regulation (Part 2604 of this chapter) regarding authorization of a representative, the final regulation contains a new § 2618.6 which provides that when a representative other than an attorney is acting for an aggrieved party, a notarized power of attorney authorizing such representation must be submitted. The distinction made by the regulation between an attorney and a non-attorney representative is consistent with court practice; a party to a court proceeding is not required to submit evidence of the authority of an attorney to act as his or her

representative, and the PBGC sees no reason to be more stringent than a court with respect to this matter.

The issue of representation was also addressed in connection with the consolidation of multiple appeals. Under the proposal, the Appeals Board could order the consolidation of multiple appeals that arise out of the same or similar facts and seek the same or similar relief. Moreover, the proposal provided that when the Appeals Board orders the consolidation of appeals, it shall also order the appellants to designate one (or more) of their number to represent all of them for all purposes relating to their appeals; should the appellants fail to agree upon a representative, the proposal authorized the Appeals Board to designate one. Several comments questioned the fairness of requiring joint representation and suggested that it should not be mandatory. The PBGC agrees and has made the necessary change (§ 2618.57).

Exhaustion of Administrative Remedies

The proposal provided in § 2618.7 that a person aggrieved by a determination covered by the regulation has not exhausted his or her administrative remedies until he or she has filed a request for reconsideration or an appeal and a decision granting or denying the relief requested has been issued by the PBGC. One comment questioned the effect of this provision in light of section 704 of title 5 of the United States Code. That section provides:

> Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

The last sentence of section 704, which limits the power of an agency to require that an aggrieved party exhaust adminstrative remedies before seeking judicial relief, applies only to final agency action ("agency action otherwise final"). Congress was clear in explaining what it meant by the term final agency action. "Action which is automatically stayable on further proceedings invoked by a party is not final." H.R. Rep. No. 1980, 79th Cong., 2nd Sess. (1946), *reprinted in Administrative Procedure Act, Legislative History*, 1946 at 277. Moreover, Congress' stated concern in enacting the last sentence of § 704 was the "fundamental inconsistency in requiring a person to continue 'exhausting' administrative processes after administrative action has become, and while it remains, effective." S. Rep. No. 752, 79th Cong., 1st Sess. (1945), *reprinted* in Administrative Procedure Act, *Legislative History*, 1946 at 213; H.R. Rep. No. 1980, *supra*.

Although the proposed regulation may not have been sufficiently clear with respect to this matter, it was and is the PBGC's intent generally to stay the effectiveness of any determination subject to the regulation until requested review is completed and a decision on review is issued. If no request for review is filed, the determination will become effective upon expiration of the prescribed time for filing a request. These rules are set forth in a new § 2618.23.

However, there may be cases where PBGC has compelling reasons for making its initial determination immediately effective. Accordingly, § 2618.23 provides that the PBGC may make an initial determination effective on the date it is issued, but in that event, a person aggrieved by the determination will not be required to seek administrative review of the determination, but rather may seek judicial review at the outset. Administrative review of the determination would still be available to the person if he or she requests it.

Thus, in accordance with 5 U.S.C. 704, the regulation requires a party aggrieved by a determination of the PBGC to exhaust his or her administrative remedies only where the determination is inoperative during the period of review.

In connection with the issue of exhaustion of administrative remedies, one last change in the final regulation should be noted. Section 2618.7 of the final regulation does not require a person aggrieved by an initial determination subject to reconsideration that is issued by an Office Director to request reconsideration in order to exhaust his or her administrative remedies. Reconsideration of such a determination is performed by the Office Director, and thus, because review is not by a "superior agency authority" within the meaning of 5 U.S.C. 704, exhaustion of administrative remedies is not required. However, reconsideration of the determination is still available to the aggrieved person at his or her option.

As discussed above in connection with the issue of time limits, the regulation does not require that decisions on requests for review be issued within a specified period of time. One comment was concerned about the possibility of the PBGC delaying judicial review by not issuing prompt decisions on requests for review. The PBGC does not believe, however, that the concern expressed by the comment is warranted. Decisions on requests for review will be made as quickly as possible. Moreover, it is a well-settled principle of law that if pursuit of an administrative remedy involves undue delay, exhaustion of that remedy is not required as a prerequisite to maintaining an action in court.

Filing of Documents

Under the proposal, a document was deemed filed with PBGC on the date of receipt by the PBGC. A number of comments objected to this provision, arguing that because the mail is "notoriously unreliable with respect to timeliness of delivery," the date of filing should be considered the date of the United States postmark stamped on the envelope. The PBGC agrees with this suggestion and has made the necessary change (§ 2618.9). It should be noted however, that the date of the postmark will be considered the date of filing only if the postmark is made by the United States Postal Service and only if the document is mailed postage prepaid, properly packaged and addressed. If the above conditions are not met, the date of filing is the date the PBGC receives the document.

Reconsideration

One comment expressed dissatisfaction that, under the proposal, reconsideration of an initial determination issued by an Office Director is performed by the same Office Director. The PBGC is not persuaded that this procedure should be changed. While, as noted above, pursuing reconsideration in such cases is not a prerequisite to seeking judicial review, the PBGC expects that many persons will nevertheless seek reconsideration in these cases and that the reconsideration will be productive for both the aggrieved person and the PBGC. By seeking reconsideration, the aggrieved person can respond directly and specifically to the stated reasons for the initial determination, and the PBGC Office Director can review his or her decision in light of specific arguments against it.

The proposal provided that a person who may be aggrieved by a decision of the Appeals Board granting the relief requested in a pending appeal has the right to participate in the appeal

(proposed § 2618.58). Two comments suggested that the regulation be changed to provide a similar right of third party participation in reconsiderations. Such a change would make the reconsideration process more time-consuming and more complicated administratively. The PBGC believes that it is important both to the public and to the agency to keep this process as quick and simple as possible, and therefore it has not adopted this suggestion.

Appeal

Under the proposal, if a person filing an appeal believes that another person may be aggrieved if the PBGC grants the relief sought, he or she is required to include in the appeal the names and addresses (if known) of such other persons (proposed § 2618.55). One comment suggested that this requirement either be eliminated altogether because it will be ignored, or expanded to require all parties "to list the persons that might be adversely affected by the case, whichever way it comes out." The PBGC has considered this suggestion and has decided against adopting either of the alternatives. The PBGC does not believe, as the comment suggests, that the requirement set forth in the regulation will be routinely ignored. Moreover, the PBGC feels that the second alternative suggested by the comment imposes too great a burden on appellants. The requirement set forth in the regulation is tailored to impose a relatively minor burden on appellants and at the same time to help enable the Appeals Board to notify potentially aggrieved third parties of their right to participate in the appeal.

Additionally, one comment indicates there is some confusion with respect to the obligation imposed on appellants by this provision. An appellant is not required by the regulation to notify potentially aggrieved third parties of the pendency of the appeal; all that is required is that he or she provide the Appeals Board with a list of names and addresses (if known). The notification will be issued by the Appeals Board.

Proposed § 2618.58 required that whenever the Appeals Board determines that a third party may be aggrieved by a decision of the Board granting the relief requested in an appeal pending before it, the Appeals Board make a reasonable effort to notify such person (1) of the pendency of the appeal, (2) of the grounds on which it is based, (3) of the right to submit comments, and (4) of the right to request an opportunity to appear in person before the Board and to present witnesses.

Section 2618.58 set forth in the final regulation differs somewhat from the proposal. First, the final regulation provides that "before the Appeals Board issues a decision granting, in whole or in part, the relief requested in an appeal, it shall make a reasonable effort to notify third persons who will be aggrieved by the decision" of the items listed above. The PBGC believes that this change will benefit potentially aggrieved third parties by deferring the need for those persons to decide whether to participate in an appeal until it appears likely that they will in fact be aggrieved by the decision of the Board. To facilitate the participation by potentially aggrieved third parties, the regulation also provides that the Appeals Board shall include in its notification a statement of the grounds upon which the Board is considering reversing the initial determination. Additionally, the notification will advise the potentially aggrieved third party that no further opportunity to present information to the PBGC with respect to the determination under appeal will be provided. Finally, § 2618.60 provides that the decision of the Appeals Board is binding on all persons who were notified of their right to participate in the appeal pursuant to § 2618.58.

In connection with § 2618.58, one comment suggested that the provision be clarified with respect to the type of comments that may be submitted to the Appeals Board. The PBGC has considered this suggestion and has decided against adopting it. The only limitation on the type of comments that may be submitted is that they be pertinent to the specific case being appealed, as opposed to general comments on the statutory provision, regulation, policy, etc. underlying the case.

One comment suggested that the regulation should provide that the PBGC's power under section 4003(b) of ERISA to subpoena witnesses is "available in appropriate circumstances to persons seeking reconsideration of, or appealing from, an initial determination." It should be kept in mind that a person requesting reconsideration does not have the right under the regulation to present witnesses. In an appeal, however, a person may be permitted to present witnesses, but the Appeals Board does not have the authority to compel the attendance of witnesss. The Board may, if it believes that the presence of a witness is necessary to the resolution of a case, request the agency to issue a subpoena through the normal procedures. In addition, the Appeals Board may on its own motion request the submission of information by a party or the appearance of a witness. Section 2618.59 of the final regulation has been changed to clarify these points.

Another comment suggested that the proposal be clarified to reflect the fact that information submitted to the Appeals Board by the PBGC staff is available to the parties to the appeal. In response to this comment, the PBGC points out that information in the possession of the Appeals Board is available to members of the public to the extent provided by the PBGC's regulation implementing the Freedom of Information Act, 5 U.S.C. 552 (Part 2603 of this chapter). Thus, a party to an appeal who wishes to examine PBGC documents need only file a request pursuant to Part 2603 of this chapter. The PBGC notes that Freedom of Information Act requests are easily filed and quickly processed.

Finally, the PBGC has included in the final regulation a new § 2618.61, which provides that the Appeals Board may, in its discretion, refer any appeal to the Executive Director of the PBGC for decision. Where the Appeals Board so refers an appeal, the Executive Director will have all the powers vested in the Appeals Board by Subpart D of the regulation, and the decision of the Executive Director will conform to the requirements for, and have the same effect as, a decision issued by the Appeals Board.

The PBGC has determined that this regulation is not a "significant regulation" according to the criteria prescribed by Executive Order 12044 and the PBGC's Statement of Policy and Procedures implementing the Order (43 FR 58237, December 13, 1978), because it deals generally with procedural matters that are not likely to engender substantial public interest or controversy, and it will not affect other Federal agencies, nor have a major economic impact.

In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended, effective August 20, 1979, by adding a new Part 2618 to read as follows:

PART 2618—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

Subpart A—General Provisions

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Sec.

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Subpart B—Initial Determinations

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Subpart C—Reconsideration of Initial Determinations

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Subpart D—Administrative Appeals

2618.51 Purpose and scope.
2618.52 Who may appeal or participate in appeals.
2618.53 When to file.
2618.54 Where to file.
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2618.58 Appeals affecting third parties.
2618.59 Powers of the Appeals Board.
2618.60 Decision by the Appeals Board.
2618.61 Referral of appeal to the Executive Director.

Authority: Sec. 4002(b)(3), Pub. L. 93-406, 88 Stat. 1004 (29 U.S.C. 1302(b)(3), (1976)).

Subpart A—General Provisions

§ 2618.1 Purpose and Scope.

(a) *Purpose.* This part sets forth the rules governing the issuance of all initial determinations by the PBGC on cases pending before it involving the matters set forth in Paragraph (b) of this section and the procedures for requesting and obtaining administrative review by the PBGC of those determinations. This part applies to the review of initial determinations issued on or after the effective date of this part.

(b) *Scope.* This part applies to the following determinations made by the PBGC in cases pending before it and to the review of those determinations:

(1) Determinations that a plan is covered under section 4021 or section 4082(b) of the Act;

(2) Determinations with respect to premiums, interest and late payment penalties pursuant to section 4007 of the Act;

(3) Determinations with respect to voluntary terminations under section 4041 of the Act, including whether the Notice of Intent to Terminate is valid and whether the plan is sufficient;

(4) Determinations with respect to allocation of assets under section 4044 of the Act, including distribution of excess assets under section 4044(d);

(5) Determinations that a plan is not covered under section 4021 or section 4082(b) of the Act;

(6) Determinations under section 4022(a) of the Act with respect to benefit entitlement of participants and beneficiaries under covered plans;

(7) Determinations under section 4022(b) of the Act of the amount of guaranteed benefits of participants and beneficiaries under covered plans;

(8) Determinations of the amount of money subject to recapture pursuant to section 4045 of the Act;

(9) Determinations of the amount of employer liability under section 4062 of the Act;

(10) Determinations of the amount of contingent liability under section 4063 of the Act; and

(11) Determinations of the amount of employer liability under section 4064 of the Act.

(c) *Determinations not covered by this part.* Nothing contained in this part shall limit the authority of the PBGC to review informally, upon request, determinations that are not subject to this part when the PBGC determines that it would be appropriate to do so.

§ 2618.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Aggrieved Person" means any participant, beneficiary, plan administrator, or employer adversely affected by an initial determination of the PBGC with respect to a pension plan in which such participant, beneficiary, plan administrator or employer has an interest. The term "employer" includes all trades and businesses under common control within the meaning of Part 2612 of this chapter, and all employers who contribute or have contributed to a pension plan to which more than one employer contributes.

"Appeals Board" means a board consisting of the General Counsel, the Director of the Office of Financial Operations, and the Director of the Office of Program Operations of the PBGC, or the designees of any of those persons, provided that a person may not serve on the Appeals Board with respect to any case in which he or she made a determination.

"Appellant" means any person filing an appeal under Subpart D of this part.

"Director" or "Office Director" means the Director of any office of the PBGC and includes the Executive Director and the General Counsel.

"PBGC" means the Pension Benefit Guaranty Corporation.

§ 2618.3 PBGC assistance in obtaining information.

A person who lacks information or data necessary to file a request for review pursuant to Subpart C or D of this part, or necessary to a decision whether to seek review, or necessary to participate in an appeal pursuant to § 2618.58 of this part or necessary to a decision whether to participate, may request the PBGC's assistance in obtaining the information. The request shall state or describe the missing information or data, the reason why the person needs the information or data, and the reason why the person needs the assistance of the PBGC in obtaining the information. The request may also include a request for an extension of time to file pursuant to § 2618.4 of this part.

§ 2618.4 Extension of time.

When a document is required under this part to be filed within a prescribed period of time, an extension of time to file will be granted only upon good cause shown and only when the request for an extension is made before the expiration of the time prescribed. The request for an extension shall be in writing and state why additional time is needed and the amount of additional time requested. The filing of a request for an extension shall stop the running of the prescribed period of time. When a request for an extension is granted, the PBGC shall notify the person requesting the extension, in writing, of the amount of additional time granted. When a request for an extension is denied, the PBGC shall so notify the requestor in writing, and the prescribed period of time shall resume running from the date of denial.

§ 2618.5 Non-timely request for review.

The PBGC will process a request for review of an initial determination that was not filed within the prescribed period of time for requesting review (see §§ 2618.33 and 2618.53) if—

(a) The person requesting review demonstrates in his or her request that he or she did not file a timely request for review because he or she neither knew nor, with due diligence, could have known of the initial determination; and

(b) The request for review is filed within 30 days after the date the aggrieved person, exercising due

diligence at all relevant times, first learned of the initial determination where the requested review is reconsideration, or within 45 days after the date the aggrieved person, exercising due diligence at all relevant times, first learned of the initial determination where the request for review is an appeal.

§ 2618.6 Representation.

A person may file any document or make any appearance that is required or permitted by this part on his or her own behalf or he or she may designate a representative. When the representative is not an attorney-at-law, a notarized power of attorney, signed by the person making the designation, which authorizes the representation and specifies the scope of representation shall be filed with the PBGC in accordance with § 2618.9(b) of this part.

§ 2618.7 Exhaustion of administrative remedies.

Except as provided in § 2618.23(b), a person aggrieved by an initial determination of the PBGC covered by this part, other than a determination subject to reconsideration that is issued by an Office Director, has not exhausted his or her administrative remedies until he or she has filed a request for reconsideration under Subpart C of this part or an appeal under Subpart D of this part, whichever is applicable, and a decision granting or denying the relief requested has been issued by the PBGC.

§ 2618.8 Request for confidential treatment.

If any person filing a document with the PBGC believes that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, he or she shall specify the information with respect to which confidentiality is claimed and the grounds therefor.

§ 2618.9 Filing of documents.

(a) *Date of filing.* Any document required or permitted to be filed under this part is considered filed on the date of the United States postmark stamped on the cover in which the document is mailed, provided that—

(1) The postmark was made by the United States Postal Service; and

(2) The document was mailed postage prepaid, properly packaged and addressed to the PBGC.

If the conditions stated in both paragraphs (1) and (2) are not met, the document is considered filed on the date it is received by the PBGC. Documents received after regular business hours are considered filed on the next regular business day.

(b) *Where to file.* Any document required or permitted to be filed under this part in connection with a request for reconsideration shall be submitted to the Director of the Office within the PBGC that issued the initial determination. Any document required or permitted to be filed under this part in connection with an appeal shall be submitted to the Appeals Board, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

§ 2618.10 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from which the designated period of time begins to run is not counted. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a Federal holiday.

Subpart B—Initial Determination

§ 2618.21 Purpose and scope.

This subpart sets forth rules governing the issuance of all initial determinations of the PBGC on matters covered by this part.

§ 2618.22 Form and contents of initial determinations.

All determinations to which this subpart applies shall be in writing, shall state the reason for the determination, and shall contain notice of the right to request review of the determination pursuant to Subpart C or Subpart D of this part, as applicable, and a brief description of the procedures for requesting review.

§ 2618.23 Effective date of determinations.

(a) *General Rule.* Except as provided in Paragraph (b) of this section, an initial determination covered by this subpart will not become effective until the prescribed period of time for filing a request for reconsideration under Subpart C of this part or an appeal under Subpart D of this part, whichever is applicable, has elapsed. The filing of a request for review under Subpart C or D of this part shall automatically stay the effectiveness of a determination until a decision on the request for review has been issued by the PBGC.

(b) *Exception.* The PBGC may, in its discretion, order that the initial determination in a case is effective on the date it is issued. When the PBGC makes such an order, the initial determination shall state that the determination is effective on the date of issuance and that there is no obligation to exhaust administrative remedies with respect to that determination by seeking review of it by the PBGC.

Subpart C—Reconsideration of Initial Determinations

§ 2618.31 Purpose and scope.

This subpart establishes procedures governing the reconsideration by the PBGC of initial determinations relating to the matters set forth in § 2618.1(b)(1)–(4) of this part.

§ 2618.32 Who may request reconsideration.

Any person aggrieved by an initial determination of the PBGC to which this subpart applies may request reconsideration of the determination.

§ 2618.33 When to request reconsideration.

Except as provided in §§ 2618.4 and 2618.5, a request for reconsideration must be filed within 30 days after the date of the initial determination of which reconsideration is sought.

§ 2618.34 Where to submit request for reconsideration.

A request for reconsideration shall be submitted to the Director of the office within the PBGC that issued the initial determination.

§ 2618.35 Form and contents of request for reconsideration.

A request for reconsideration shall—

(a) Be in writing;

(b) Be clearly designated as a request for reconsideration;

(c) Contain a statement of the grounds for reconsideration and the relief sought; and

(d) Reference all pertinent information already in the possession of the PBGC and include any additional information believed to be relevant.

§ 2618.36 Final decision on request for reconsideration.

(a) Final decisions on requests for reconsideration will be issued by the same office of the PBGC that issued the initial determination, and, except as provided in the following sentence, by an official whose level of authority in that office is higher than that of the person who issued the initial determination. When an initial determination is issued by an Office Director, the Office Director (or an official designated by the Office

Director) will issue the final decision on request for reconsideration.

(b) The final decision on a request for reconsideration shall be in writing, specify the relief granted, if any, state the reason(s) for the decision, and state that the person has exhausted his or her administrative remedies.

Subpart D—Administrative Appeals

§ 2618.51 Purpose and scope.

This subpart establishes procedures governing administrative appeals from initial determinations relating to the matters set forth in § 2619.1(b)(5)–(11) of this part.

§ 2618.52 Who may appeal or participate in appeals.

Any person aggrieved by an initial determination to which this subpart applies may file an appeal. Any person who may be aggrieved by a decision under this subpart granting the relief requested in whole or in part may participate in the appeal in the manner provided in § 2618.58.

§ 2618.53 When to file.

Except as provided in §§ 2618.4 and 2618.5, an appeal under this subpart must be filed within 45 days after the date of the initial determination being appealed.

§ 2618.54 Where to file.

An appeal or a request for an extension of time to appeal shall be submitted to the Appeals Board, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

§ 2618.55 Contents of appeal.

(a) An appeal shall—

(1) Be in writing;

(2) Be clearly designated as an appeal;

(3) Contain a statement of the grounds upon which it is brought and the relief sought;

(4) Reference all pertinent information already in the possession of the PBGC and include any additional information believed to be relevant;

(5) State whether the appellant desires to appear in person or through a representative before the Appeals Board; and

(6) State whether the appellant desires to present witnesses to testify before the Appeals Board, and if so, state why the presence of witnesses will further the decision-making process.

(b) In any case where the appellant believes that another person may be aggrieved if the PBGC grants the relief sought, the appeal shall also include the name(s) and address(es) (if known) of such other person(s).

§ 2618.56 Opportunity to appear and to present witnesses.

(a) At the discretion of the Appeals Board, any appearance permitted under this subpart may be before a hearing officer designated by the Appeals Board.

(b) An opportunity to appear before the Appeals Board (or a hearing officer) and an opportunity to present witnesses will be permitted at the discretion of the Appeals Board. In general, an opportunity to appear will be permitted if the Appeals Board determines that there is a dispute as to a material fact; an opportunity to present witnesses will be permitted when the Appeals Board determines that witnesses will contribute to the resolution of a factual dispute.

(c) Appearances permitted under this section will take place at the main offices of the PBGC, 2020 K Street, N.W., Washington, D.C., unless the Appeals Board, in its discretion, designates a different location, either on its own initiative or at the request of the appellant or a third party participating in the appeal.

§ 2618.57 Consolidation of appeals.

(a) *When consolidation may be required.* Whenever multiple appeals are filed that arise out of the same or similar facts and seek the same or similar relief, the Appeals Board may, in its discretion, order the consolidation of all or some of the appeals.

(b) *Representation of parties.* Whenever the Appeals Board orders the consolidation of appeals, the appellants may designate one (or more) of their number to represent all of them for all purposes relating to their appeals.

(c) *Decision by Appeals Board.* The decision of the Appeals Board in a consolidated appeal shall be binding on all appellants whose appeals were subject to the consolidation.

§ 2618.58 Appeals affecting third parties.

(a) Before the Appeals Board issues a decision granting, in whole or in part, the relief requested in an appeal, it shall make a reasonable effort to notify third persons who will be aggrieved by the decision of the following:

(1) The pendency of the appeal;

(2) The grounds upon which the appeal is based;

(3) The grounds upon which the Appeals Board is considering reversing the initial determination;

(4) The right to submit written comments on the appeal;

(5) The right to request an opportunity to appear in person or through a representative before the Appeals Board and to present witnesses; and

(6) That no further opportunity to present information to the PBGC with respect to the determination under appeal will be provided.

(b) Written comments and a request to appear before the Appeals Board must be filed within 45 days after the date of the notice from the Appeals Board.

(c) If more than one third party is involved, their participation in the appeal may be consolidated pursuant to the provisions of § 2615.57.

§ 2618.59 Powers of the Appeals Board.

In addition to the powers specifically described in this part, the Appeals Board may request the submission of any information or the appearance of any person it considers necessary to resolve a matter before it and to enter any order it considers necessary for or appropriate to the disposition of any matter before it.

§ 2618.60 Decision by the Appeals Board.

(a) In reaching its decision, the Appeals Board shall consider those portions of the file relating to the initial determination, all material submitted by the appellant and any third parties in connection with the appeal, and any additional information submitted by PBGC staff.

(b) The decision of the Appeals Board constitutes the final agency action by the PBGC with respect to the determination which was the subject of the appeal and is binding on all parties who participated in the appeal and who were notified pursuant to § 2618.58 of their right to participate in the appeal.

(c) The decision of the Appeals Board shall be in writing, specify the relief granted, if any, state the bases for the decision, including a brief statement of the facts or legal conclusions supporting the decision, and state that the appellant has exhausted his or her administrative remedies.

§ 2618.61 Referral of appeal to the Executive Director.

The Appeals Board may, in its discretion, refer any appeal to the Executive Director of the PBGC for decision. In such a case, the Executive Director shall have all the powers vested in the Appeals Board by this subpart and the decision of the Executive Director shall meet the requirements of and have the effect of a decision issued under § 2618.60 of this part.

Issued at Washington, D.C., on this 13th day of July, 1979.

Jeff Hart,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 79-22295 Filed 7-18-79; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE TREASURY

Customs Service

31 CFR Part 1

Exempting a System of Records From Certain Requirements

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the United States Customs Service hereby gives notice of final rulemaking exempting the system entitled "Automated Index to Central Enforcement Files" in accordance with sections (j) and/or (k) of the Privacy Act of 1974. The system is being exempted to maintain confidentiality of data obtained from various sources which are investigative in nature and are used for law enforcement purposes.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Russell Berger (202-566-8681), Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION: Drafting information: The principal author of this document was Russell Berger, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matter of substance and of style.

In accordance with the provisions in the **Federal Register** (44 FR 16941) proposing to exempt this system pursuant to sections (j) and/or (k) of the Act. No public comments were received; however, comments received from the Office of the General Counsel, Department of the Treasury, have been incorporated into the final rule.

Pursuant to section (j)(2) of the Privacy Act, a system of records may be exempted from certain provisions thereof if the system of records is maintained by an agency which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime and which consists of information compiled both for the purpose of identifying individual criminal offenders and alleged offenders (notations of arrests, etc.) and for the purpose of a criminal investigation (reports of informants and investigators, etc.). The Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(j)(2) are as follows:

5 U.S.C. 552a(c)(3), which requires generally that an accounting be made to an individual upon his request if any information pertaining to him is disclosed to another person or agency. This accounting would consist of the date, nature and purpose of the disclosure and the person or agency to whom disclosed. 5 U.S.C. 552a(c)(4), which requires that any person or agency to whom a disclosure is made be informed of any correction or notation of dispute made by the agency with respect to the record disclosed if an accounting of the diclosure was made.

5 U.S.C. 552a(d)(1), (2), (3), (4), which allow an individual to review the records pertaining to him contained in a system and to request an amendment of those records if he finds them to be inaccurate, and if the request is denied, directs that the agency to which the disclosure was made be informed of that portion of the records which is disputed.

5 U.S.C. 552a(e)(1), (2), (3), which generally require that an agency collect only information relevant and necessary to accomplish a purpose of the agency and require that the individual be informed as to the authority under which and purposes for which information is being collected from him.

5 U.S.C. 552(e)(4) (G), (H), (I), which provide for agency procedures whereby an individual may be notified if a system of records contains information pertaining to him and of how he may gain access thereto.

5 U.S.C. 552a(e)(5), (8), which provide that records be maintained with accuracy and timeliness and which also provide that reasonable efforts be made to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

5 U.S.C. 552a(f), which directs that an agency promulgate rules to establish procedures for the notification and identification of an individual who requests access to a record pertaining to him and to establish procedures for the disclosure of information to the individual.

5 U.S.C. 552a(g), which provides for civil remedies for agency noncompliance with the provisions of the Act.

Pursuant to section (k)(2) of the Privacy Act, a system of records may be exempted from certain provisions thereof if the system of records is compiled for law enforcement purposes other than material within the scope of (j)(2). The Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(2) are as follows:

5 U.S.C. 552a(c)(3)
5 U.S.C. 552a(d)(1), (2), (3), (4)
5 U.S.C. 552a(e)(1)
5 U.S.C. 552a(e)(4)(G), (H), (I)
5 U.S.C. 552a(f)

Accordingly, section 1.36 of 31 CFR, United States Customs Service, Notice of Exempt Systems, is amended by adding "Automated Index to Central Enforcement Files".

Dated: July 9, 1979.

W. J. McDonald,

Assistant Secretary (Administration).

Section 1.36 is amended by adding "Automated Index to Central Enforcement Files" alphabetically to the listings in paragraph a.1 (following "Aircraft Registers") and b.1 (following "Attorney Case Files").

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

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U.S. Customs Service

Notice of Exempt Systems

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a. *General exemptions under 5 U.S.C. 552a(j)(2).* * * *

1. Exempt Systems. * * *

Automated Index to Central Enforcement Files.

* * * * *

b. *Specific exemptions under 5 U.S.C. 552a(k)(2).* * * *

1. Exempt Systems. * * *

Automated Index to Central Enforcement Files.

* * * * *

[FR Doc. 79-22382 Filed 7-18-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Parts 715, 733, and 734

Assistance to and Support of Dependents, Paternity Complaints, and Garnishment of Pay for Child Support and Alimony

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending 32 CFR, Chapter VI, Subchapter C, relating to Personnel, by deleting Part 715 and adding new Parts 733, "Assistance to and Support of Dependents; Paternity Complaints," and 734, "Garnishment of Pay of Naval Military and Civilian Personnel for Collection of Child Support and Alimony." Part 733 represents an updated version of the deleted Part 715. Among other things, outdated provisions pertaining to allotment requirements for military personnel in the lower pay grades have been deleted, since the underlying regulations are no longer in force. Current Department of the Navy rules and regulations pertaining to garnishment of pay for child support and alimony are being published as 32 CFR Part 734. The purpose of these amendments is to apprise the public of current agency rules and regulations dealing with assistance to and support of dependents, paternity complaints, and garnishment of pay for child support and alimony.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Gerald J. Kirkpatrick, JAGC, U.S. Navy, Regulations Branch Attorney (Code 133.1), Office of the Judge Advocate General, Washington, D.C. 20370, telephone number (202) 694–5267.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred in 5 U.S.C. 301, the Department of the Navy is making miscellaneous amendments to 32 CFR, Chapter VI, Subchapter C. These amendments reflect changes in Federal law and agency directives dealing with assistance to and support of dependents, paternity complaints, and garnishment of pay for child support and alimony payments. Materials no longer reflecting statutory provisions and materials not having general applicability outside the Government are being deleted. Remaining materials and new materials reflecting current statutory provisions are being organized into new parts in order to improve readability and thus make 32 CFR, Chapter VI, Subchapter C, a more useful guide for members of the public. Effective July 1, 1973, the Dependents Assistance Act of 1950 (Act of September 8, 1950, 64 Stat. 794, as amended, (50 U.S.C. App. 2201–16)) expired. The material contained in 37 U.S.C. 403, as amended, represents the current statutory provisions for eligibility for and rates of basic allowance for quarters. Under the current provisions, it is no longer necessary for service members in any pay grade to maintain a dependent's allotment in order to qualify for basic allowance for quarters on behalf of dependents. Accordingly, outdated materials pertaining to allotment requirements are not contained in the updated provisions dealing with the basic allowance for quarters. Part 733 represents an updated version of 32 CFR Part 715, which is being deleted, and contains the Department of the Navy's current rules and regulations pertaining to assistance to and support of dependents and to paternity complaints. The substance of Secretary of the Navy Instruction 7200.16 of March 14, 1979, is being published in 32 CFR Part 734 in order to apprise the general public of the Department of the Navy's rules and regulations pertaining to garnishment of pay for collection of child support and alimony payments. These amendments represent action taken to update and improve 32 CFR Chapter VI, Subchapter C, by ensuring that it better reflects current statutory provisions and implementing directives. It has been determined that invitation for public comment on these amendments prior to adoption would be impractical, unnecessary, and contrary to the public interest and is thus not required under the rulemaking provisions in Parts 296 and 701 of 32 CFR.

Accordingly, 32 CFR Chapter VI, Subchapter C, is amended as follows:

PART 715—SUPPORT OF DEPENDENTS AND PATERNITY COMPLAINTS [DELETED]

1. Part 715 is deleted.

2. Parts 733 and 734 are added as follows:

PART 733—ASSISTANCE TO AND SUPPORT OF DEPENDENTS; PATERNITY COMPLAINTS

Sec.

733.1 Rates for basic allowance for quarters.
733.2 Delegations.
733.3 Information and policy on support of dependents.
733.4 Complaints of nonsupport and insufficient support of dependents.
733.5 Determination of paternity and support of illegitimate children.

Authority: 5 U.S.C. 301; 10 U.S.C. 5031; 37 U.S.C. 101, 401, 403; 50 U.S.C. App. 2210; E.O. 11157, 29 FR 7973, 3 CFR 1964 Supp. p. 139, as amended.

§ 733.1 Rates of basic allowance for quarters.

(a) Except as otherwise provided by law, a member of the naval service entitled to basic pay is entitled to a basic allowance for quarters at the monthly rates according to the pay grade to which he or she is assigned, in accordance with 37 U.S.C. 403.

(b) The term "dependent" with respect to a member of the naval service, as used in this part, means—

(1) His or her spouse;

(2) His or her unmarried child (including any of the following categories of children if such child is in fact dependent on the member: A stepchild; an adopted child; or an illegitimate child whose alleged member-parent has been judicially decreed to be the parent of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

(i) Is under 21 years of age; or

(ii) Is incapable of self-support because of a mental or physical incapacity, and in fact dependent on the member for over one-half of his or her support; and

(3) His or her parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before he or she became 21 years of age) who is in fact dependent on the member for over one-half of his or her support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary of the Navy, and he or she is not considered a dependent of the member claiming the dependency unless—

(i) The member has provided over one-half of his or her support for the period prescribed by the Secretary; or

(ii) Due to changed circumstances arising after the member enters on active duty, the parent becomes in fact dependent on the member for over one-half of is or her support.

The relationship between a stepparent and his or her stepchild is terminated by the stepparent's divorce from the parent by blood.

§ 733.2 Delegations.

The Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199, with respect to personnel of the Navy, and the Head, Personal Affairs Branch, Manpower Department, Headquarters United States Marine Corps, Washington, D.C. 20380, with respect to personnel of the Marine Corps, have been granted the authority by the Secretary of the Navy to make determinations including determinations of dependency and relationship when required by legislation or policy for eligibility for basic allowance for quarters, transportation and medical care in behalf of dependents of Navy and Marine personnel and to administer matters involving adequacy of support for dependents and waivers of support of a spouse, and on the basis of new evidence or for other good cause to reconsider or modify any such determination.

§ 733.3. Information and policy on support of dependents.

(a) *Policy*—(1) *General.* The naval service will not be a haven or refuge for personnel who disregard or evade their obligations to their families. All members of the naval service are expected to conduct their personal affairs satisfactorily. This includes the requirement that they provide adequate and continuous support for their lawful dependents and comply with the terms of separation agreements and court orders. Failure to do so which tends to bring discredit on the naval service is a proper subject of command consideration for initiation of court-martial proceedings or other administrative or disciplinary action.

(2) *Adequacy of support.* Every member has an inherent natural and moral obligation to support his or her spouse and family. What is adequate and reasonably sufficient support is a highly complex and individual matter dependent on numerous factors, and may be resolved permanently only in the civil courts. Salient factors that should be considered are the pay of the member, any other private income or resources of the member and the dependents, the cost of necessities and every day living expenses and financial obligations of the dependents, and the expenses and other financial obligations of the member in relation to his or her income. The Department of the Navy does not and cannot act as a court in these matters. It is desired that the amount of support to be provided for dependents either be established by mutual understanding between the parties concerned or adjudicated in the civil courts. The support scales set forth below are not intended as a fixed rule. They are intended as guidelines and the actual support may be increased or decreased as the facts and circumstances warrant until the amount of support to be furnished is settled by agreement of the parties or adjudicated by the civil courts. Because of the inherent arbitrary and temporary nature of the support scales set forth below, it is not intended that they be used as bases for any judicial proceedings, for to do so would lend excessive credence to administrative tools which have been designed for use only within the Navy and the Marine Corps.

(i) Number of dependents and amount of support to be provided in the absence of a mutual agreement or court order:

(A) Navy members:

Relationship and number of dependents	Support to be provided (gross pay)
Spouse only	⅓
Spouse and one minor child	½
Spouse and two or more children	⅝
One minor child	⅙
Two minor children	¼
Three minor children	⅓

For purposes of this support guide, gross pay will include basic pay and basic allowance for quarters, but does not include hazardous duty pay, sea or foreign duty pay, incentive pay, or basic allowance for subsistence.

(B) *Marine Corps members.* If the question of support is in dispute, the following will be used as a guide for support:

For spouse only—BAQ plus 20% of basic pay.
For spouse and one minor child—BAQ plus 25% of basic pay.
For spouse and two or more minor children—BAQ plus 30% of basic pay.
For one child—⅙ of basic pay.
For two minor children—¼ of basic pay.
For three or more minor children—⅓ of basic pay.

(*1*) The amount of support to a dependent for whom basic allowance for quarters is claimed should not be less than the applicable rate of basic allowance for quarters to which the member is entitled.

(*2*) A Marine's obligation to provide for the support of children by a former marriage has as high a priority as an obligation to provide for a present wife and family. In those cases of a legitimate financial inability to provide support for all dependents, commanders shall attempt to assist the Marine in the equitable distribution of income for the assistance of all dependents, utilizing the guidelines set forth above.

(*3*) It is to be emphasized that the guidelines set forth are to be used only as an interim measure, and that the commander's decision as to the quantum of support to be provided will be, prima facie, the appropriate conclusion of the Marine Corps, pending civil court or extrajudicial resolution among the involved parties.

(3) *Support of a lawful wife.* The laws of jurisdictions in the United States impose a legal obligation upon a husband to support his wife. Exemptions from support of a lawful wife may be in the form of an order of a civil court of competent jurisdiction, relinquishment by the wife or mutual agreement of the parties, or a waiver of the naval support requirement granted by the Director, Navy Family Allowance Activity or the Commandant of the Marine Corps, as appropriate.

(4) *Payments of alimony.* Dependents for whom basic allowance for quarters or other allowances are payable are defined by law. For purposes of qualifying for basic allowance for quarters, medical care or other benefits, a former spouse is not a dependent even though alimony has been decreed. Members are expected to comply with the terms of court orders or divorce decrees which adjudge payments of alimony even though basic allowance for quarters is not payable.

(5) *Support of children.* The duty of a member to support his or her minor children is not affected by desertion or other misconduct on the part of the spouse. The obligation to support a child or children is not affected by dissolution of the marriage through divorce, unless the judicial decree or order specifically negates the obligations of the member to support a child or children of the marriage. The fact that a divorce decree is silent relative to support of minor children or does not mention a child or children will not be considered as relieving the service member of the inherent obligation to provide support for the child or children of the marriage. In many cases, the courts may not be cognizant of the existence of a child or children, or may not have jurisdiction over the child or children. A commanding officer has discretion to withhold action for alleged failure to support a child under the following conditions:

(i) Where the member cannot ascertain the whereabouts and welfare of the child concerned.

(ii) Where it is apparent that the person requesting support for a child does not have physical custody of the child.

(iii) Where the member has been granted custody of the child by court order but does not have physical control of the child and the member is ready, willing, and able to care for and support the child if physical control is obtained.

(6) *Adopted children.* The natural parents of an adopted child are relieved of the obligation to support the child as such duty is imposed on the adoptive parents. A Navy or Marine Corps member who contemplates the adoption of a child should be aware of the legal obligation to provide continuous support for such child during minority.

(7) *Entitlement to basic allowance for quarters.* Entitlement of members to basic allowance for quarters on behalf of dependents is provided by statute. No member should be denied the right to submit a claim or application for basic allowance for quarters, nor should any command refuse or fail to forward any such claim or application. In cases involving parents, the member should furnish an estimate of the dependency situation to the best of his or her knowledge. Commanding officers should not contact parents for dependency information to include in the member's application. This delays the application and serves no useful purpose, as such cases are thoroughly investigated by the Navy Family Alowance Activity or Headquarters Marine Corps, which obtains necessary dependency affidavits directly from the parents. Any person, including a service member or dependent who obtains an allowance by fraudulent means is subject to criminal prosecution.

(8) *Application of the rule based on Robey v. United States 71 Ct. Cl. 561.* Determinations that no dependency exists may be made in disputed cases—if a member does not contribute to the support of spouse and child at least to the extent of—

(i) The full amount of his/her basic allowance for quarters, or

(ii) An amount specified in a court order or legal separation agreement, or

(iii) An amount agreed to by the parties as acceptable, adequate support, whichever is lesser. Pertinent decisions of the Court of Claims or Comptroller General will be followed in determinations of dependency.

§ 733.4 Complaints of nonsupport and insufficient support of dependents.

(a) Upon receipt of a complaint alleging that a member is not adequately supporting his or her lawful dependents (spouse or children), the member will be interviewed and informed of the policy of the Department of the Navy concerning support of dependents. In the absence of a determination by a civil court or a mutual agreement of the parties, the applicable guide in § 733.3 will apply. The member will be informed that his/her Navy or Marine Corps career may be in jeopardy if he/she does not take satisfactory action. The member may become ineligible to reenlist or extend enlistment (in the case of enlisted members), and may be subject to administrative or disciplinary action that may result in separation from the Navy or Marine Corps.

(1) *Waiver of support of spouse.* If the member feels that he or she has legitimate grounds for a waiver of support for the spouse, the Director, Navy Family Allowance Activity, acting under the policy guidance of the Chief of Naval Personnel or the Commandant of the Marine Corps (Code MSPA), may grant such a waiver for support of a spouse (but not children) on the basis of evidence of desertion without cause or infidelity on the part of the spouse. The evidence may consist of—

(i) An affidavit of the service member, relative, disinterested person, public official, or law enforcement officer. However, affidavits of the service member and relatives should be supported by other corroborative evidence. All affidavits must be based upon the personal knowledge of the facts set forth; statements of heresay, opinion, and conclusion are not acceptable as evidence.

(ii) Written admissions by the spouse contained in letters written by that spouse to the service member or other persons.

The request for waiver of support of a spouse should be submitted to the Director, Navy Family Allowance Activity or the Commandant of the Marine Corps (Code MSPA) with a complete statement of the facts and substantiating evidence, and comments or recommendations of the commanding officer.

(2) *Action.* After a written complaint that a member has failed or refused to furnish support for his or her spouse or children has been received, and the member has been counseled with regard to his/her rights and obligations in the support matter, continued failure or refusal, without justification, to furnish support for dependents in accordance with the provisions of a valid court order, written agreement, or, in the absence of a court order or agreement, the appropriate support guide set forth above, will be a basis for consideration of disciplinary or administrative action which may result in the member's separation from active service.

§ 733.5 Determination of paternity and support of illegitimate children.

(a) *Illegitimate children.* If the service member desires marriage, leave for this purpose is recommended whenever consistent with the needs or exigencies of the service. When the blood parents of an illegitimate child marry, the child is considered to be legitimized by the marriage unless a court finds the child to be illegitimate.

(b) *Judicial order or decree of paternity or support.* Normally any order or decree which specifies the obligation to render support of illegitimate children will include within it a determination of paternity of such children; however, some jurisdictions provide for determinations of the legal obligation to support illegitimate children without a determination of paternity. Either type of order or decree falls within the scope of this paragraph. If a judicial order or decree of paternity or support is rendered by a United States or foreign court of competent jurisdiction against a member of the Navy or Marine Corps on active duty, the member concerned will be informed of his moral and legal obligations as well as his legal rights in the matter. The member will be advised that he is expected to render financial assistance to the child regardless of any doubts of paternity that the member may have. If the court order or decree specifies an amount of support to be provided the member will be expected to comply with the terms of such decree or order. If no amount is specified, support should be rendered in accordance with such reasonable agreement as may be made with the mother or legal guardian of the child or, in the absence of such agreement, in accordance with the applicable guide set forth above. However, no basic allowance for quarters will be included in using the guide unless basic allowance for quarters is payable in behalf of illegitimate children. If the member refuses to comply with the terms of the court order, administrative action will be taken as indicated in § 733.4.

(1) *Court of competent jurisdiction.* A court of competent jurisdiction is generally a court that has jurisdiction over the subject matter and the parties involved. As a general rule, the competency of the court to render the judicial order or decree may be tested by the enforceability of the order or decree. Normally, although not always, personal service of the court's process on the member is considered essential. With respect to a foreign judicial order or decree, the general rule is that where the defendant was a citizen or subject of

the foreign country in which the order or decree was issued, the court may have acquired jurisdiction over the member by any mode of service or notice recognized as sufficient by the laws of that country. It should be noted, however, that an order or decree against a citizen or permanent resident of another country, without personal service or personal notice of the action to him or her, is null and void unless the member voluntarily submitted to the jurisdiction by appearing and contesting the action. In the event there is doubt as to the competency of the court to enter the order or decree, the question shall be referred to the Judge Advocate General.

(c) *Nonjudicial determination.* In the absence of an adjudication of paternity or of a court-ordered obligation to furnish support, the member shall be privately consulted and asked, where appropriate, whether he or she admits either paternity of, or the legal obligation to support, the child or expected child. If the answer is affirmative, the member shall be informed that he or she is expected to furnish support as set forth in paragraph (b) of this section. Where paternity or the legal obligation to support is admitted by a male member, such member should be informed of his moral obligation to assist in the payment of prenatal expenses.

(d) *Members not on active duty.* Allegations of paternity against members of the naval service who are not on active duty will be forwarded to the individual concerned in such a manner as to insure that the charges are delivered to the addressee only. The correspondence should be forwarded via the commandant of the naval district in which the member resides. (e)*Former members.* (1) If a certified copy of a judicial order or decree of paternity or support duly rendered by a United States or foreign court of competent jurisdiction against a former member of the Navy or Marine Corps is submitted, his or her last-known address will be furnished to the complainant with return of the correspondence and court order. The complainant will be informed of the date of discharge and advised that the individual concerned is no longer a member of the Navy or Marine Corps in any capacity.

(2) Where there has been no court adjudication, the correspondence will be returned to the complainant with an appropriate letter stating that the individual is no longer a member of the Navy or the Marine Corps in any capacity and giving the date of his or her discharge or final separation except that the last-known address of the former member shall be furnished to the claimant if the complaint against the former member is supported by a document which establishes that the former member has made an admission or statement acknowledging paternity or responsibility for support of a child before a court of competent jurisdiction, administrative or executive agency, or official authorized to receive it. In cases where the complaint, along with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father in order to protect the physical health of either the prospective mother or the unborn child, the last-known address of the former member shall likewise be furnished to the claimant.

PART 734—GARNISHMENT OF PAY OF NAVAL MILITARY AND CIVILIAN PERSONNEL FOR COLLECTION OF CHILD SUPPORT AND ALIMONY

Sec.

734.1 Purpose.
734.2 Scope.
734.3 Service of process.
734.4 Responsibilities.
734.5 Administrative procedures.

Authority: 42 U.S.C. 659 (Social Security Act, sec. 459 added by Pub. L. No. 93–647, part B, sec. 101(a), 88 Stat. 2357, as amended by the Tax Reform and Simplification Act of 1977, Pub. L. No. 95–30, title V, sec. 502, 91 Stat. 157).

§ 734.1 Purpose.

This part prescribes responsibilities and procedures applicable in the Department of the Navy when processsing and honoring legal process brought for the enforcement of legal obligations to provide child support or make alimony payments under 42 U.S.C. 659 (Social Security Act, section 459 added by Pub. L. No. 93–647, part B, sec. 101(a), 88 Stat. 2357, as amended by the Tax Reform and Simplification Act of 1977, Pub. L. No. 95–30, title V, sec. 502, 91 Stat. 157).

§ 734.2 Scope.

The provisions of this part shall apply to legal process affecting any Federal pay administered by the Department of the Navy and due and payable to all categories of naval military or civilian personnel including personnel of Navy or Marine Corps nonappropriated-fund activities. This part is not applicable to legal process affecting entitlements administered by other agencies, such as civilian employees' retirement benefits administered by the Civil Service Commission or compensation administered by the Veterans Administration.

§ 734.3 Service of process.

(a) It is the policy of the Department of the Navy to respond promptly to legal process addressed to naval officials. Service of legal process affecting the pay of Department of the Navy personnel shall be made on the following designated officials in the manner and in the circumstances specified below:

(1) *Navy members.* Process affecting the military pay of active duty, Reserve, Fleet Reserve, or retired Navy members, wherever serving or residing, may be served personnally or by registered or certified mail, return receipt requested, on the Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Room 967, Cleveland, Ohio 44199.

(2) *Marine Corps members.* Process affecting the military pay of active-duty, Reserve, Fleet Marine Corps Reserve, or retired Marine Corps members, wherever serving or residing, may be served personally or by registered or certified mail, return receipt requested, on the Commanding Officer, Marine Corps Finance Center (AA), Kansas City, Missouri 64197.

(3) *Civilian Employees.* Process affecting the pay of active civilian employees of the Department of the Navy:

(i) If currently employed at Navy or Marine Corps activities (including nonappropriated-fund instrumentalities) or installations situated within the territorial jurisdiction of the issuing court, such process may be served personally, or by registered or certified mail, return receipt requested, on the commanding officer or head of such activity or installation, or principal assistant specifically designated in writing by such official.

(ii) In other cases involving civilian employees, such process may be served personally or by registered or certified mail, return receipt requested, in the manner indicated below:

(A) If pertaining to civil service personnel of the Navy or Marine Corps, such process may be served on the Director of Civilian Personnel Law, Office of the General Counsel, Navy Department, Washington, D.C. 20390.

(B) If pertaining to non-civil service civilian personnel of Navy Exchanges or related nonappropriated-fund instrumentalities administered by the

Navy Resale System Office, such process may be served on the Commanding Officer, Navy Resale System Office, Attention: Industrial Relations Officer, 29th Street and Third Avenue, Brooklyn, New York 11232.

(C) If pertaining to non-civil service civilian personnel of Navy clubs, messes, or recreational facilities (non-appropriated funds), such process may be served on the Chief of Naval Personnel, Director, Recreational Services Division (Pers/NMPC–72), Washington, D.C. 20370.

(D) If pertaining to non-civil service civilian personnel of other nonappropriated-fund instrumentalities which fall outside the purview of the Chief of Naval Personnel or the Commanding Officer, Navy Resale Systems Office, such as locally established morale, welfare, and other social and hobby clubs, such process may be served on the commanding officer of the activity concerned.

(E) If pertaining to non-civil service civilian personnel of any Marine Corps nonappropriated-fund instrumentalities, such process may be served on the commanding officer of the activity concerned.

(b) The Department of the Navy officials designated above are authorized to accept service of process within the purview of 42 U.S.C. 659 (Social Security Act, sec. 459 added by Pub. L. No. 93–647, part B, sec. 101(a), 88 Stat. 2357, as amended by the Tax Reform and Simplification Act of 1977, Pub. L. No. 95–30, title V, sec. 502, 91 Stat. 157). Where service of process is offered to an official not authorized to accept it under paragraph (a) of this section, the person offering such service shall be referred to the appropriate official designated in paragraph (a) of this section.

§ 734.4 Responsibilities.

(a) *Designated officials.* Within their respective areas of cognizance as set forth in § 734.3, the designated officials are responsible for the following functions with regard to legal process:

(1) Sending such notifications and directions to the member concerned and his or her commanding officer as may be required.

(2) Obtaining or providing an appropriate review by qualified legal counsel.

(3)Taking or directing actions, temporary and final, as are necessary to comply with 42 U.S.C. 659, as amended (*see* § 734.3(b)), the Marine Corps Manual, Navy Comptroller Manual, and the court's order in the case, and

(4) Apprising the cognizant United States Attorney of the Department of the Navy's disposition, as required, and, in coordination with the Judge Advocate General, effecting liaison with the Department of Justice or United States Attorneys in instances of noncompliance with process or other circumstances requiring such action.

(b) *Command responsibility.* (1) The Commanding officer of the member or employee concerned shall, upon receipt of notification from the appropriate designated official, ensure that the member or employee has received written notification of the pendency of the action and that the member or employee is afforded counseling concerning his or her obligations in the matter, and legal assistance if applicable, in dealing with the legal action to affect his or her Federal pay. The commanding officer shall comply with the directions of the designated official in responding to the legal process.

(2) For the purposes of this part, the Director, Navy Family Allowance Activity, Cleveland, Ohio, will function as the commanding officer with regard to retired Navy military personnel and members of the Fleet Reserve.

(c) *Legal services.* The Judge Advocate General is responsible for the following functions pertaining to legal process within the purview of this part:

(1) Providing overall technical direction and guidance, as required, for all Department of the Navy military and civilian attorneys engaged in reviewing such process or advising on its disposition.

(2) Ensuring, as Director, Naval Legal Sevice, the availability of attorneys in Naval Legal Service Offices who are qualified to advise and assist the designated officials concerning the disposition of legal process, and

(3) Where required, ensuring effective liaison with the Department of Justice or United States Attorneys.

§ 734.5 Administrative procedures.

The designated officials specified in § 734.3, shall, in consultation with the Judge Advocate General and Commander, Navy Accounting and Finance Center or the Commandant of the Marine Corps (FD), as appropriate, establish procedures for effectively executing their assigned responsibilities. Implementing procedures shall conform with 42 U.S.C., 659, as amended, the Marine Corps manual, the Navy Comptroller Manual, and the Federal Personnel Manual.

Dated: July 13, 1979.

P. B. Walker,

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

[FR Doc. 79–22387 Filed 7–18–79; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 174

[CGD 77–117]

State Numbering and Casualty Reporting Systems

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The standard vessel numbering system promulgated in parts 173 and 174 has been effective since July 1, 1973. Since that time several States have come into full compliance with these regulations. There are, however, several sections of the numbering regulations that have not been complied with my most of the States. An examination of these sections indicates that although beneficial for the sake of uniformity they do not enhance boating safety. The Coast Guard is making these sections optional, recognizing that the responsibility for the administrative details of a numbering program lies with the individual State governments.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. David R. Gauthier, Office of Boating Safety (G–BLC–3/TP42), Room 4308, Department of Transportation, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590, 202–426–4176.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking concerning this amendment was published in the **Federal Register** issue of April 13, 1978 (43 FR 15583). Interested persons were invited to submit written comments to the Coast Guard by June 12, 1978.

Drafting Information

The principal persons involved in the drafting of this rule are: Mr. D.R. Gauthier, Project Manager, Office of Boating Safety, Ms. Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Two comments were received. The Boating Law Administrator for Pennsylvania suggested that along with this proposal the $100 damage criterion for reporting accidents be raised to $200.

The Coast Guard concurs and has changed § 174.101(b) accordingly (44 FR 5308, January 25, 1979) effective February 25, 1979.

The National Transportation Safety Board recommended that the reporting requirements of § 173.55 (c) be maintained as a mandatory requirement. The Board argues that this is the only provision which would require reporting in the event the boat operator is killed or seriously injured and can not make the report. The Coast Guard concurs and has changed the proposal accordingly.

Title 33 of the Code of Federal Regulations is amended as set forth below:

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

1. By revising § 174.13 to read as follows:

§ 174.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 173:

(a) Paragraph (a) of § 173.15 *Vessel number required.*

(b) Section 173.19 *Other numbers prohibited.*

(c) Paragraph (a) of § 173.21 *Certificate of number required.*

(d) Section 173.23 *Inspection of certificate.*

(e) Section 173.25 *Location of certificate of number.*

(f) Section 173.29 *Notification of issuing authority.*

(g) Section 173.71 *Application for certificate of number.*

(h) Section 173.73 *Duplicate certificate of number.*

(i) Section 173.77 *Validity of certificate of number.*

2. By adding a new § 174.14 to read:

§ 174.14 State numbering system optional sections.

In addition to the requirements in § 174.13, a State numbering system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

3. By deleting paragraph (a)(15) and adding a new paragraph (e) in § 174.19 as follows:

§ 174.19 Contents of a certificate of number.

* * * * *

(e) An issuing authority may print on the certificate of number a quotation of the State regulations pertaining to change of ownership or address, documentation, loss, discovery of vessel, carriage of the certificate of number on board when the vessel is in use, rendering aid in a boat accident, and reporting of vessel casualties and accidents.

4. By revising § 174.105 to read as follows:

174.105 Owner or operator casualty reporting requirements.

A State casualty reporting system must contain the following requirements of Part 173 applicable to an owner or a person operating a vessel:

(a) Section 173.55 *Report of casualty or accident.*

(b) Section 173.57 *Casualty or accident report.*

(c) Section 173.59 *Where to report.*

5. By adding a new § 174.106 to read:

§ 174.106 State casualty reporting system optional sections.

In addition to the requirements in § 174.105, a State casualty reporting system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46 (n)(1).)

Dated: July 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79-22403 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1262-3]

Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

Correction

In FR Doc. 79-20431 appearing at page 38471 in the issue for Monday, July 2, 1979, the following correction is made to the preamble portion of the document. On page 38473, in the first column, the paragraph designated "3. *Relevant* Pollutant", in the sixth line immediately after the word "nonattainment", the following words are inserted: "* * * and for which the SIP does not meet the requirements * * *."

BILLING CODE 1505-01-M

40 CFR Part 143

[FRL 1230-2]

National Secondary Drinking Water Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: National Secondary Drinking Water Regulations are established according to Section 1412 of the Safe Drinking Water Act, as amended. They apply to public water systems and specify secondary maximum contaminant levels (SMCLs) which, in the judgment of the Administrator, are requisite to protect the public welfare. Contaminants covered by these regulations are those which may adversely affect the aesthetic quality of drinking water such as taste, odor, color and appearance and which thereby may deter public acceptance of drinking water provided by public water systems.

Secondary maximum contaminant levels are established for chloride, color, copper, corrosivity, foaming agents, iron, manganese, odor, pH, sulfates, total dissolved solids and zinc. At considerably higher concentrations, these contaminants may also be associated with adverse health implications. These secondary levels represent reasonable goals for drinking water quality, but are not federally enforceable. Rather, they are intended as guidelines for the States. The States may establish higher or lower levels as appropriate to their particular circumstances dependent upon local conditions such as unavailability of alternate raw water sources or other compelling factors, provided that public health and welfare are adequately protected. However, odor, color and other aesthetic qualities are important factors in the public's acceptance and confidence in the public water system; thus, States are encouraged to implement these SMCLs so that the public will not be driven to obtain drinking water from potentially lower quality, higher risk sources.

EFFECTIVE DATE: These regulations will be effective January 19, 1981, 18 months following the date of promulgation.

FOR FURTHER INFORMATION CONTACT: Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water (WH-550), Room 1111, WSME, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-472-5030. Copies of the Statement of Basis and Purpose which explains the

basis of these regulations and includes information on available contaminant control technologies may also be obtained at the above address.

SUPPLEMENTARY INFORMATION: On March 31, 1977, the Environmental Protection Agency (EPA) proposed National Secondary Drinking Water Regulations (NSDWR) at 42 FR 17143 pursuant to Section 1412 of the Safe Drinking Water Act, as amended ("SDWA") (42 U.S.C. 300f et seq.). EPA held a public hearing in Washington, D.C. on May 3, 1977. Numerous written comments and statements on the proposed regulations were received and considered. Drafts of the final regulations have been reviewed by the State Liaison Group and the National Drinking Water Advisory Council. Comments were received and incorporated into the final regulations as appropriate. A detailed discussion of the comments received and the Agency's response is presented in Appendix A.

Background

Section 1412(c) of the SDWA requires the Administrator to establish the NSDWR. A secondary drinking water regulation is defined in Section 1401(2) as "a regulation which applies to public water systems and which specifies the maximum contaminant levels which, in the judgment of the Administrator, are requisite to protect the public welfare." The NSDWR "may apply to any contaminant in drinking water (A) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use, or (B) which may otherwise adversely affect the public welfare." In addition, such regulations "may vary according to geographic and other circumstances."

Section 1414(d) sets forth the federal requirements upon the failure by a State to assure enforcement with the NSDWR. In contrast to the joint State/Federal enforcement scheme and public notification requirements set forth in subsections (a), (b) and (c) of that section, subsection (d) does not provide for Federal enforcement of the NSDWR. Subsection (d) provides:

> Whenever, on the basis of information available to him, the Administrator finds that within a reasonable time after national secondary drinking water regulations have been promulgated, one or more public water systems in a State do not comply with such secondary regulations, and that such non-compliance appears to result from a failure of such State to take reasonable action to assure that public water systems throughout such State meet such secondary regulations, he shall so notify the State.

Despite the language of the Act, much confusion has surrounded the issue of enforceability and implementation of the secondary regulations. EPA interprets Section 1414(d) to give the States the responsibility of taking "reasonable action" to assure that public water systems are providing drinking water which protects the public welfare and does not cause consumers not to drink the water served due to aesthetic reasons. The States are accorded great discretion in this area; the first priority is to be given to assuring compliance with the mandatory primary regulations which are designed to protect the public health.

EPA's responsibility is limited under the Act to notifying the State when it finds that a public water system is not meeting the secondary regulations and that the State is not taking reasonable action to assure that the secondary regulations are being satisfied. A determination of what is reasonable action on the part of the State is not limited to adoption and enforcement of regulations although such action is highly desirable. Appropriate action in a particular case will depend on a number of factors including: the degree of non-compliance with the secondary regulations; the direct and indirect adverse results such as the incurrence of substantial expenditures by individuals to upgrade the quality at the tap or the risk and expense of individuals shifting to other water sources; the nature of the raw water sources available; and such efforts that are being taken to assure compliance with the primary regulations.

EPA does not propose to use its resources on a routine basis to independently determine compliance or non-compliance with the secondary regulations. It will, however, review data which may be reported by the States on a discretionary basis or which is received incidental to other studies. On the basis of such review, the agency will consult with the States to determine that action taken by them to assure compliance and where appropriate, notify States of non-compliance which has not been acted on.

The clear intent of these regulations is to maintain a Federal/State alertness to the importance of the aesthetic qualities of drinking water, rather than to empower EPA to require States to adopt secondary regulations. Thus, adoption of secondary regulations no less stringent than the Federal regulations is not a requirement with which a State must comply in order to be granted primary enforcement responsibility under Section 1413 of the SDWA.

Secondary Maximum Contaminant Levels

The secondary maximum contaminant levels promulgated herein do not vary from those that were proposed in March 1977, with one exception. The difference from the proposal is that the SMCL for hydrogen sulfide has been deleted.

The levels established for chloride, color, copper, corrosivity, foaming agents, iron, manganese, odor, pH, sulfate, total dissolved solids and zinc remain unchanged. The reader is referred to the Agency's preamble to the proposed regulations (42 FR 17143, March 1977) and the Statement of Basis and Purpose accompanying these regulations for explanation of the basis for the SMCLs that have been established. Numerous comments were received by EPA on the contaminants selected for the establishment of SMCLs and the levels chosen. The comments received on the various SMCLs did not contain sufficient new information to require the establishemnt of levels different from those contained in the proposed regulations. The most significant comments are discussed in summary form below.

Multiple Tier Levels

Several questions were raised as to whether multiple tier levels for SMCLs should be established for total dissolved solids, chloride and sulfate where all of the available water sources exceed the SMCLs.

The limits for these substances represent reasonable levels for water quality. Rather than establishing fixed multiple tier levels, provisions are included in the regulations which provide flexibility to the States to establish limits commensurate with particular geographic conditions where optimum water quality sources are not available. This approach will assure that the consumer is provided with the best quality water available.

pH Levels

There was little disagreement with the proposed lower pH limit of 6.5; however, numerous comments criticized the upper limit for pH. Many of the utilities which produce water at pH levels greater than 8.5 complained that it was not feasible to comply with proposed upper pH level without rendering the water corrosive. EPA maintains that the proposed pH range represents a reasonable goal for public water supplies. However, it is recognized that some water systems

may operate at pH ranges higher than the stated 8.5 level for a variety of reasons. The regulations do not preclude States from allowing higher pH levels where local conditions make such higher levels appropriate.

Corrosion

Nearly eighty percent of the total responses on the proposed regulations made suggestions concerning corrosivity. The consensus was that although corrosivity is important, no national regulation could be adopted at present because a universal corrosion indicator system is not available to measure corrosion in all systems. The commenters felt that a comprehensive test procedure or practical index to measure corrosivity in all locations as a numerical value is not generally available. For this reason, several of the commenters recommended deletion of corrosion from the NSDWR. On the other hand, a number of commenters suggested the use of the Langelier Index as an indicator for corrosivity.

The Agency believes that corrosion is a very significant concern, not only affecting the aesthetic quality of the water, but having a serious economic impact, and health implications. Corrosion products containing materials such as lead and cadmium have been associated with serious risks to the health of consumers of drinking water. A number of indices (such as the Langelier Index) are presently available for measuring the corrosivity of drinking water but a single universal index applicable to all situations is not yet generally available. For the present, the secondary regulations state that the water should be "non-corrosive," as determined by the State. It should be noted that amendments to the NIPDWR are being considered which would require identification and correction of corrosion problems utilizing a specific corrosion index or several indices.

Hydrogen Sulfide

The majority of comments involving hydrogen sulfide suggested that the SMCL for this substance should be deleted from the regulations. It was pointed out that because of its foul odor, the presence of hydrogen sulfide can be readily detected and is controlled by the SMCL for odor. EPA agrees and for this reason, the SMCL for hydrogen sulfide has been withdrawn from the regulations.

Prohibition of Macroscopic Organisms

One additional commenter suggested that macroscopic organisms such as aquatic insects, worms, crustaceans, and numerous algae be prohibited in drinking water. EPA agrees that macroinvertebrates should not be present in finished drinking water. Since this issue was not presented for public comment in the proposal, it will be considered in future reviews of the NSDWR. Algae populations should also be minimized. These organisms contribute taste and odor as well as affect the efficiency of the disinfection process; further, they may also introduce a health hazard from the by-product chemicals produced after chlorination.

Monitoring

Concerns were raised about the merits of the proposed monitoring requirements and recommended analytical techniques. EPA's intent in recommending the monitoring requirements and analytical techniques was to point out the best methods and techniques available to identify and quantify the contaminants listed in the NSDWR. Pursuant to their authority, the States may wish to supplement the NSDWR to include appropriate monitoring requirements as conditions dictate.

Other Contaminants Considered

Comments were received regarding the inclusion of sodium, standard plate count, hardness, fluorides and turbidity in the NSDWR. The commenters concurred with EPA's position not to include hardness and the standard plate count in the NSDWR. The presence of sodium, fluorides and turbidity pertain primarily to adverse health implications rather than to the aesthetic quality of the water. Regulations for fluorides and turbidity have already been established in the NIPDWR, and monitoring requirements for sodium are being proposed in amendments to the NIPDWR. See Appendix A for further details.

Energy and Economic Impacts

A number of comments were received that indicated concern over the technological and economic feasibility of the secondary regulations. The definition of "secondary drinking water regulations" in Section 1401(2) of the SDWA and the Administrator's mandate to establish such regulations in Section 1412(d) do not explicitly authorize the consideration of economic and technological factors in setting the SMCLs to protect the public welfare. As guidelines to the States, they are also not intended to be federally enforceable. Therefore, the established levels are designed to specify reasonable goals to ensure that drinking water served to consumers of public water supplies is of high aesthetic quality. Flexibility is nevertheless provided to the States to take reasonable and responsible action to obtain compliance with the secondary regulations, with appropriate adjustments made where necessary.

Moreover, the overall energy and economic impact of these regulations cannot be accurately determined since they will not be federally enforceable. Nevertheless, as noted in the preamble to the proposed regulations (42 FR at 17145), a preliminary economic evaluation has indicated that small water systems will encounter the most difficulties in complying with the SMCLs. In addition, energy impacts are not anticipated to be great in light of the types of technology which would be used to comply with the SMCLs. Most importantly, the States have been provided with adequate flexibility to work out solutions to problems where they arise. It is expected that compliance with the NSDWR will be a lesser priority in competition with implementation of the health-related primary drinking water regulations. It has not been possible to estimate the number of public water systems that have undesirable levels of these secondary contaminants, but the treatment technologies which are to be used to comply with the primary regulations are similar to those for the NSDWR. Thus, it is expected that many of the compliance problems with secondary contaminants will be resolved through action taken to comply with the primary regulations at little or no additional cost.

In regard to reporting and resource impacts, it is expected that the reporting requirements will have negligible impacts because of the infrequency of monitoring (once per year) and the fact that reporting would occur through the system already established and in use for compliance with the primary regulations. Thus, additional resources are not expected to be necessary at the Federal, State and local levels.

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 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.

For the reasons given above, Chapter I of Title 40 of the Code of Federal Regulations, is hereby amended by the addition of the following Part 143 as

follows. These regulations will take effect January 19, 1981.

Dated: July 12, 1979.

Douglas M. Costle,

Administrator.

PART 143—NATIONAL SECONDARY DRINKING WATER REGULATIONS

Sec.

143.1 Purpose.
143.2 Definitions.
143.3 Secondary maximum contaminant levels.
143.4 Monitoring.

Authority: Section 1412(c) of the Safe Drinking Water Act, as amended [42 U.S.C. 300g–1(c)]

§ 143.1 Purpose.

This part establishes National Secondary Drinking Water Regulations pursuant to Section 1412 of the Safe Drinking Water Act, as amended (42 U.S.C. 300g–1). These regulations control contaminants in drinking water that primarily affect the aesthetic qualities relating to the public acceptance of drinking water. At considerably higher concentrations of these contaminants, health implications may also exist as well as aesthetic degradation. The regulations are not Federally enforceable but are intended as guidelines for the States.

§ 143.2 Definitions.

(a) "Act" means the Safe Drinking Water Act as amended (42 U.S.C. 300f *et seq.).*

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Public water system" means a system for the provision to the public of piped water for human consumption, if such a system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."

(d) "State" means the agency of the State government which has jurisdiction over public water systems.

(e) "Supplier of water" means any person who owns or operates a public water system.

(f) "Secondary Maximum Contaminant Levels" means SMCLs which apply to public water systems and which, in the judgement of the Administrator, are requisite to protect the public welfare. The SMCL means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of public water system. Contamimants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

§ 143.3 Secondary Maximum Contaminant Levels.

The Secondary Maximum Contaminant Levels for public water systems are as follows:

Contaminant:	*Level*
Chloride	250 mg/l.
Color	15 color units
Copper	1 mg/l.
Corrosivity	Noncorrosive
Foaming agents	0.5 mg/l.
Iron	0.3 mg/l.
Manganese	0.05 mg/l.
Odor	3 threshold odor number.
pH	6.5–8.5.
Sulfate	250 mg/l.
Total dissolved solids (TDS)	500 mg/l.
Zinc	5 mg/l.

These levels represent reasonable goals for drinking water quality. The States may establish higher or lower levels which may be appropriate dependent upon local conditions such as unavailability of alternate source waters or other compelling factors, provided that public health and welfare are not adversely affected.

§ 143.4 Monitoring.

(a) It is recommended that the parameters in these regulations should be monitored at intervals no less frequent than the monitoring performed for inorganic chemical contaminants listed in the National Interim Primary Drinking Water Regulations as applicable to community water systems. More frequent monitoring would be appropriate for specific parameters such as pH, color, odor or others under certain circumstances as directed by the State.

(b) Analyses conducted to determine compliance with § 143.3 should be made in accordance with the following methods:

(1) Chloride—Potentiometric Method, "Standard Methods for the Examination of Water and Wastewater," 14th Edition, p. 306.

(2) Color—Platinum-Cobalt Method, "Methods for Chemical Analysis of Water and Wastes," p. 36–38, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 160–162, 14th Edition, p. 64–66.

(3) Copper—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes", pp. 108–109, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

(4) Foaming Agents—Methylene Blue Method, "Methods for Chemical Analysis of Water and Wastes," pp. 157–158, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 339–342, 14th Edition, p. 600.

(5) Iron—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 110–111, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

(6) Manganese—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 116–117, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

(7) Odor—Consistent Series Method, "Methods for Chemical Analysis of Water and Wastes," pp. 287–294, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 248–254, 14th Edition, p. 75–82.

(8) pH—Glass Electrode Method, "Methods for Chemical Analysis of Water and Wastes," pp. 239–240, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 276–281, 14th Edition, pp. 460–465.

(9) Sulfate—Turbidimetric Method, "Methods for Chemical Analysis of Water and Wastes," pp. 277–278, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th

Edition, pp. 334–335, 14th Edition, p. 496–498.

(10) Total Dissolved Solids—Total Residue Methods, "Methods for Chemical Analysis of Water and Wastes," pp. 270–271, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 288–290, 14th Edition, p. 91–92.

(11) Zinc—Atomic Adsorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 155–156, EPA, Office of Technology Transfer, Washington, D.C. 20460, 1974, or "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, 14th Edition, p. 144–147.

Note.—Appendix A will not appear in the Code of Federal Regulations.

Appendix A—Response to Public Comments

Proposed secondary drinking water regulations were published in the **Federal Register** for comment on March 31, 1977, at 42 FR 17143. Written comments on the proposed regulations were invited and a public hearing was held in Washington, D.C. on May 3, 1977. As a result of these comments and further consideration of available data by EPA, a few changes were made in the proposed regulations. The principal comments have been summarized in the preamble to the final regulations. The purpose of Appendix A is to discuss the specific comments received on various aspects of the proposed regulations, and to explain EPA's response to those comments.

I. Definitions

The definitions of "contaminant" and "Maximum Contaminant Level" (MCL) were criticized by four of the six comments received on the proposed regulations. One of the commenters pointed out that while it is stated in the introductory section that the NSDWR are not enforceable and are only intended to serve as guidelines, many of the readers will interpret the definition of MCL to indicate a strict standard rather than a recommended criterion. Three of the commenters suggested that the term MCL implies a health-related standard and therefore they recommended that it be replaced with another definition such as "constituent," "parameter" or "concentration" level to appropriately reflect the aesthetic nature of the proposed limits.

The definition of "contaminant" includes any constituent in water, including constituents considered to be harmless or even beneficial. The definition is derived directly from Section 1401(6) of the SDWA and also appears in the primary regulations (40 CFR 141.2(b)). It is not intended to suggest that all of the constitutents in the water are harmful or to define a strict standard. Rather, it is intended to permit the regulation of any constituent that may be found to be harmful or undesirable. The essence of the definition, therefore, has been retained as proposed, but it has been modified for clarification in that the definitions only include a definition for a secondary maximum contaminant level and the regulations are set for secondary maximum contaminant levels (SMCL).

The definition of a SMCL was also criticized for requiring measurement at the tap. Two of the commenters expressed concern about the exclusion in proposed § 143.2. They felt that the responsibility of the supplier to meet the SMCLs should end at a point where the water is delivered to the ultimate user's service line. The comments suggested that corrosion caused by piping and plumbing or appurtenances under the control of the user, as well as contaminants added to the water by the consumer should be excluded from the definition in § 143.2.

The requirement for measuring the SMCL at the "free flowing outlet of the ultimate user of a public water system," carries out the intent of Congress that "drinking water regulations are intended to be met at the consumer's tap." (H. Rep. No. 93–1185, 93rd Cong., 2nd Sess. p. 13 (1974)). The purpose of this requirement is to assure that water used by the public is aesthetically acceptable and safe. This can be assured only if SMCLs are met at the tap. Section 143.2 meets this requirement. Also, the definition implies that a public water system cannot be held responsible for contamination of water beyond its control. It would be unreasonable to hold a public water system in violation of a SMCL if the level is exceeded at the consumer's tap as a result of such things as the user's attachment of a faulty treatment device, because of cross-connections in the user's plumbing system or because the plumbing is used to ground electrical systems. However, this does not absolve the supplier from the responsibility to achieve the SMCLs at the consumer's tap where a violation is due to water quality factors within the preview of the supplier (e.g., excessively corrosive water). This is consistent with the Agency's definition of "MCL" for the purposes of the NIPDWR under 40 CFR 141.2(c).

II. Secondary Maximum Contaminant Levels

A. *Chloride*—Six comments contained suggestions that the chloride SMCL be raised to higher levels, or to establish a three-tier SMCL consisting of a recommended, upper and a short term limit. The commenters recommening a higher SMCL for chloride indicated that because of the high costs associated with the reduction or the removal of chloride, the water suppliers and the consumer would be subjected to an excessive economic burden if the SMCL was to be maintained in areas of the country where water meeting the proposed chloride levels was not available. The commenters felt that a higher SMCL for chloride, 300 mg/l to 500 mg/l, would probably have a negligible adverse effect on consumer acceptance. It was pointed out that this adverse effect would diminish as the consumers became acclimated to the water. The commenters, recommending the multiple tier SMCL for chloride, indicated that this approach would be helpful to explain the relative water quality aspects of lower mineralization without raising unwarranted fears of health-related contaminant levels in the public's mind. The commenters felt that including a three-tiered SMCL for chloride, providing for less desirable but still acceptable levels, would resolve the problems associated with recommended aesthetic guidelines versus the quality of water available in certain geographic areas.

The SMCL of 250 mg/l for chloride is the level above which the taste of the water may become objectionable to the consumer. In addition to the adverse taste effects, high chloride concentration levels in the water will contribute to the deterioration of domestic plumbing, water heaters and municipal waterworks equipment. High chloride concentrations in the water may also be associated with the presence of sodium in drinking water. Elevated concentration levels of sodium may have an adverse health effect on normal, healthy persons. In addition, a small segment of the population is on severely restrictive diets requiring limitation of their sodium intake. For the preceding reasons, the SMCL for chloride represents a desirable and reasonable level for protection of the public welfare. Establishment of a multi-tier SMCL would encourage the use of less than aesthetically desirable water in areas where better sources may be available or could be found.

EPA recognizes that there may be problems existing in regions where no sources of water are available which meet the SMCL for chloride. Therefore, where such problems are encountered, the States should exercise their discretion in establishing limitations for chloride concentration levels realistically commensurate with local conditions. Such an approach to cope with geographically related aesthetic water quality conditions serves to provide the necessary flexibility to the States preferred by the proponents of the proposed multi-tier approach.

B. *Color*—Two commenters claimed that the SMCL for color of 15 color units (CU) was too high. They suggested that the upper limit for color be lowered to 10 or 5 CU. The reasons cited for this was that color may be indicative of contamination by organic materials, which in turn may be precursors for the formation of trihalomethanes (THMs) and other halogenated organic compounds. Also, one of the commenters felt that 15 CU would be completely unacceptable to the consumer.

Limiting the presence of THM and other synthetic organic compounds to protect the public health has been proposed for inclusion in the NIPDWR, at 43 FR 5756, February 9, 1978. Color becomes objectionable to most people at levels over 15 CU. Experience has shown that rapid changes in color levels will lead to greater consumer complaint, as opposed to a relatively constant color level. Therefore, suppliers of the water should seek to prevent or minimize such changes.

In some instances color may be objectionable to some people at levels as low as 5 CU; therefore, it may be appropriate for the States to consider setting limits below 15 CU.

C. *Copper*—One commenter proposed to raise the SMCL for copper from 1 mg/l to 3

mg/l. It was argued that the SMCL of 1 mg/l is more stringent than necessary to avoid taste problems. Although very few water sources have a copper level in excess of this standard, the commenter felt that the treatment costs would be very high for those water systems which would have to come into compliance.

Experience indicates that copper at concentration levels exceeding 2 mg/l causes significant staining and adverse tastes. To many people, copper imparts a detectable taste at a concentration level of 1 mg/l. The SMCL of 1 mg/l was exceeded only in 1.6% of the 295 tap water samples taken in the Community Water Supply Study by EPA in 1970. In instances where high copper concentration levels in the drinking water are observed, it is likely that other heavy metals are also present. Consequently, the presence of excessive copper in the water system may indicate possible corrosion of the distribution system, or suggest that the drinking water supply may be contaminated with products from mining operations. Therefore, it is reasonable to establish 1.0 mg/l as the SMCL for copper to protect the public welfare.

D. *Corrosivity*—Ninety-four comments were received concerning a number of corrosivity issues. Sixty-seven of the comments recommended that corrosivity, as a standard, should be deleted from the NSDWR for the following three reasons: (1) it is adequately covered by the other SMCLs set forth in the NIPDWR and in the NSDWR; (2) corrosion is dependent on many interrelated factors and thus there is no universal criteria on which would be applicable to define and/or control it completely; and (3) there is not yet a single reliable practical test developed to measure corrosivity. Twenty-one of the comments were directed towards a number of analytical techniques to measure corrosivity. However, many of them conceded that the methods they suggested may need some modification. The Langlier Saturation Index was most frequently suggested to define corrosivity. Three of the comments expressed concern that if the corrosion standard was not deleted there may be a possibility that users could have legal recourse against a water purveyor for not meeting the SMCL due to corrosion from appurtenances which are under the control of the user. One of the comments suggested that a panel of experts be convened to discuss the development of a corrosion regulation.

EPA has determined that a specific SMCL for corrosivity should not be established at this time. Instead, the secondary regulations presently state that drinking water should be "non-corrosive." A non-specific corrosivity standard is warranted under the NSDWR because corrosive waters may adversely affect the aesthetic quality of drinking water. However, the existence of corrosive waters is left to be determined on a case-by-case basis through the exercise of judgment by the States in implementing the secondary regulations.

With respect to the development of a more specific MCL for corrosivity, EPA is presently conducting further studies and research and is proposing amendments to the National Interim Primary Drinking Water Regulations to control corrosion to protect the public health. During that regulatory process, EPA will be considering those issues raised by the commenters to these secondary regulations concerning the availability of a generally acceptable and nationally applicable numerical index. Also, appropriate analytical methods will be considered.

The concerns expressed by some of the commenters regarding the possibility of legal action by users against water suppliers for corrosion attributable to appurtenances controlled by the user, rather than to water quality, are addressed in these secondary regulations. The definition of "secondary maximum contaminant level" in Section 143.2(f), specifically excludes "contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality." This same language is contained in the definition of "maximum contaminant level" under the NIPDWR at 40 CFR 141.2(c). To the extent States adopt the exclusion contained in the federal definitions, legal action against the water supplier would be limited to corrosion problems within the supplier's control.

E. *Foaming Agents*—Two comments were received concerning the SMCL of 0.5 mg/l for foaming agents. One commenter stated that the SMCL was too stringent and that such a concentration would not be noticed in most instances. The other commenter suggested that since the analytical procedure specified for the detection of foaming agents is MBAS, the SMCL should be stated in terms of MBAS.

The 0.5 mg/l limit for foaming agents is based upon the fact that at higher concentration levels the water may exhibit undesirable taste and foaming properties. Also concentrations above the limit may be indicative of undesirable contaminants of pollutants from questionable sources, such as infiltration by sewage. Because there is no standardized "foamability test" that exists, this property is determined indirectly by measuring the anionic surfactant concentration in the water utilizing the test procedures specified for MBAS. Many substances other than detergents will cause foaming and their presence will be detected by the Methylene Blue Test. Therefore, the SMCL designated for foaming agents is appropriate.

F. *Hydrogen sulfide*—The ten comments concerning hydrogen sulfide were directed towards its odor characteristics and the possible difficulties that may be encountered in obtaining accurate analytical results. A number of commenters suggested that the limit for hydrogen sulfide should be deleted since its presence may be detected by the odor test. Another commenter stated that the SMCL for hydrogen sulfide should be raised from 0.05 mg/l to 0.1 mg/l to be commensurate with the precision limit of the titrimetric iodine method. Other commenters felt that during the collection, handling, and the transportation of the samples the accuracy of the analytical results may be compromised.

The threshold odor concentration of hydrogen sulfide is between 0.01 and 0.1 ug/l. The proposed SMCL was 0.05 mg/l. The odor SMCL of 3 TON would apparently always be violated before the proposed SMCL for hydrogen sulfide would be violated. Thus, the proposed SMCL would duplicate the aesthetic requirements of the odor SMCL, and therefore, the hydrogen sulfide SMCL has been deleted from the NSDWR. However, this does not limit the States from establishing monitoring and SMCL requirements for hydrogen sulfide in appropriate circumstances.

G. *Iron*—The three commenters concerned with iron stated that the proposed SMCL of 0.3 mg/l was overly stringent and suggested that 1.0 mg/l would be appropriate in consideration to water supplies which practice sequestration for rust removal.

At 1.0 mg/l, a substantial number of people will note the bitter astringent taste of iron. Also at this concentration level, the staining problems associated with iron will be pronounced, thus making the water unpleasant to the consumer. Therefore, the proposed SMCL of 0.3 mg/l for iron is reasonable because the adverse aesthetic effects are minimized at this level. However, in instances where it is appropriate, the States may allow higher levels.

H. *Manganese*—No comments were received on the SMCL for manganese.

I. *Odor*—There were four comments received concerning the threshold odor number (TON). Three of the commenters suggested that the proposed SMCL of 3 TON should be deleted from the regulations; they argued that the TON is an arbitrary value and that the results obtained would greatly vary from person to person. On the other hand, one commenter suggested that the SMCL should be lowered to 1 TON.

Odor is an important quality factor affecting the drinkability of water. Odors may be detected at extremely low concentrations of some substances and they may be indicative of the presence of organic and inorganic pollutants that may originate form municipal and industrial waste discharges or from natural sources. The TON level of three was determined to be appropriate because most consumers find the water at this limit acceptable. Determination of odor below this level is difficult because of possible interferences from other sources and variability of the sensing capabilities of the personnel performing the test. Therefore, the SMCL of 3 TON has remained unchanged.

J. *pH*—A total of 43 comments concerning pH were received. Fifteen of the commenters requested that pH be deleted from the NSDWR. Another ten commenters suggested that the upper limit of pH should either be deleted from the regulations or raised. The reasons cited for this were that (1) a SMCL for pH is unnecessary because pH is not a direct measure of corrosivity, but just one parameter affecting corrosivity; and (2) a number of utilities produce high pH non-corrosive water with no aesthetic adverse effects. Several commenters argued that many of the lime-softened waters produced meet the other MCLs set forth in the NIPDWR and the NSDWR, and that it would be impractical and economically infeasible for these utilities to lower the pH in order to attain a level of 8.5 or less. None of the

comments received contested that water below 6.5 would be potentially corrosive. The remaining eight comments recommended that rather than applying pH solely as an SMCL, it should be included with other parameters, such as alkalinity and hardness into a "non-corrosive" guideline.

As explained in the Statement of Basis and Purpose, high pH levels are undesirable since they may impart a bitter taste to the water. Furthermore, the high degree of mineralization associated with alkaline waters will result in the encrustation of water pipes and water-using appliances. The combination of high alkalinity and calcium with low pH levels may be less corrosive than water with a combination of high pH, low alkalinity and calcium content. High pH levels also depress the effectiveness of disinfection by chlorination, thereby requiring the use of additional chlorine or longer contact times. In addition, high pH levels accelerate the production of trihalomethanes (THMs) in the water. Therefore, the pH range has been retained as it was proposed. A range of 6.5–8.5 was determined as that which would achieve the maximum environmental and aesthetic benefits. However, in certain instances it may be necessary to maintain pH levels higher than 8.5. States should consider higher pH limits where local conditions necessitate such as in areas where the water at that level is neither corrosive nor unstable (i.e., no precipitation of calcium salts).

K. *Sulfate*—Five commenters suggested that the SMCL for sulfate should be raised to a higher level, while three commenters recommended a three-tier approach consisting of a recommended upper and a short term limit. The commenters recommending a higher SMCL for sulfate (300 to 1800 mg/1), cited that the proposed sulfate SMCL of 250 mg/1 would not result in laxative or any other adverse health effects to the user. Also the commenters felt that the suppliers of the water and the consumer would be subjected to an excessive economic burden if the SMCL was to be maintained in regions where water meeting the proposed sulfate SMCL was not available. In addition, the commenters indicated that individuals will become acclimated to the use of waters containing sulfate compounds in a relatively short time. The commenters recommending a three-tier SMCL felt that this approach would provide flexibility to the States to select an appropriate SMCL in areas where water having low sulfate content is not available. Furthermore, the commenters indicated that a multiple tier approach could be utilized to explain the relative water quality aspects of lower mineralization to the user without raising unwarranted fears of health-related contaminant levels in the public's mind.

The SMCL of 250 mg/1 established for sulfates represents the desired concentration level to prevent the bulk of possible adverse aesthetic effects. Above this level, adverse taste and laxative effects are more likely to occur. Establishment of a fixed multi-tier SMCL may encourage the use of a less desirable water in locations where better sources are available. At the same time, it is recognized that adjustments to the SMCL are possible in areas where the absence of suitable supplies do not, for practical reasons, allow the meeting of the SMCL for sulfate. In such instances States should exercise their authority to establish suitable limitations for sulfate concentration levels realistically commensurate with local conditions. This approach to cope with geopraphically related aesthetic water quality conditions provides more flexibility to the States than the multiple tier approach proposed by some of the commenters. The States should establish a SMCL for sulfate in such a manner that the consumer is provided with the best quality of water as realistically feasible. In addition, EPA recommends that transients be notified if the sulfate content of the water is high. Such notification would include an assessment of the possible physiological effects of consumption of the water.

L. *Total Dissolved Solids (TDS)*—Most of the 26 comments received regarding TDS came from water suppliers in areas where the dissolved mineral content of the water exceeds the proposed SMCL of 500 mg/1. Seven commenters recommended that TDS be deleted from the NSDWR while 14 commenters suggested that the SMCL be raised to a higher level or changed to a range of levels consisting of a multiple tier approach similar to those suggested for chloride and sulfate. Five of the comments made references to the State-adopted, EPA-approved water quality standards for salinity for the Colorado River System. The commenters felt that the proposed SMCL for TDS is inconsistent with the higher TDS standards adopted for the Colorado River System.

In general, the commenters noted that compliance with the proposed SMCL for TDS would be unrealistic and it would place an excessive economic burden on the utilities in areas where no alternate sources of water are available. The commenters, suggesting the deletion of the TDS SMCL from the NSDWR, indicated that limits have already been placed on other contaminants which would eliminate undesirable taste from water; thus an SMCL for TDS was said to be unnecessary.

In some regions of the country, particularly in the Southwest, drinking water sources commonly exceed the SMCL for TDS. For this reason, the commenters felt that water quality associated with geographic problems should be taken into account in formulating the SMCL for TDS.

Raising the TDS SMCL would certainly resolve the commenters concerns in areas where the only available water sources contain high TDS. However, this approach would not provide the States a realistic frame of reference for the aesthetic water quality goal they should be trying to achieve.

TDS may have an influence on the acceptability of the water in general, and in addition a high TDS value may be an indication of the presence of excessive concentration of some specific substance, not included in the NSDWR, which would make the water aesthetically objectionable to the consumer. Excessive hardness, taste, mineral deposition or corrosion are common properties of water with high TDS levels.

Adoption of a multi-tier approach attempting to solve the geographical problems associated with the lack of high quality water by including less desirable but still acceptable higher levels as alternatives would defeat the intent of the regulations. Establishment of a multi-tier SMCL would encourage the use of less than aesthetically desirable water in areas where better sources may be available. Therefore, the SMCL of 500 mg/1 for TDS is reasonable because it represents an optimum value commensurate with the aesthetic level to be set as a desired water quality goal.

It is understood that in some instances meeting the SMCL for TDS will not be reasonably attainable. In those instances it is recommended that the State establish an SMCL for the water which is appropirate assuring that the user is supplied with the best quality water reasonably attainable.

This approach provides for more flexibility to the States to set a SMCL for TDS approaching the optimum SMCL.

M. *Zinc*—No comments were received on the SMCL for zinc.

N. *Other Contaminants*—A number of comments were received regarding the parameters considered but not included in the regulations. Most of the commenters were concerned about sodium. The majority of the commenters indicated that EPA's decision not to include sodium in the NSDWR was proper. They also concurred with EPA's recommendation that the States institute programs for regular monitoring of the sodium content of drinking water served to the public, and for informing physicians and consumers of the sodium concentration in drinking water. In order to assure that persons who are affected by high sodium concentrations would be able to make adjustments to their diets, or seek alternative sources of water to be used for drinking and food preparation, EPA is proposing monitoring requirements for sodium through amendments to the National Interim Primary Drinking Water Regulations.

Commenters concerned with hardness and Standard Plate Counts (SPCs) concurred with EPA's position not to include those parameters in the NSDWR.

In addition, comments were received which requested transfer of the SMCL for fluorides from the primary to the secondary regulations and to include a limit on turbidity on well waters in the NSDWR.

The SDWA describes the NSDWR as those pertaining to the aesthetic quality of water. EPA is presently conducting studies to evaluate the merits of establishing an aesthetic SMCL for fluorides in addition to the health based standard included in the NIPDWR. Fluoride was included in the NIPDWR because excessive levels can cause moderate to severe tooth mottling which is considered to be an adverse health effect rather than a purely aesthetic effect.

Although turbidity affects the aesthetic quality of water, regulations in the NIPDWR have already been established for turbidity. States may elect to extend the application of the turbidity MCL to groundwaters based

upon the aesthetic appearance. EPA will consider a NSDWR limit for turbidity in future revisions.

III. Monitoring

There were 64 comments on proposed § 143.4 dealing with monitoring for compliance with the SMCLs. Most of the comments were related to the merits of the prescribed analytical methods. A number of commenters expressed criticism that the analytical methods for monitoring were restrictive. Other commenters expressed concern about the expense associated with compliance with the monitoring requirements. For the above reasons, the commenters suggested alternatives to the approved analytical methods which tended to separate into two categories. One of the categories included comments suggesting that in order to make the analytical requirements less restrictive, other methods, equivalent in accuracy and precision to the ones prescribed in § 143.4, should be allowed. The comments in the other category recommended that economically feasible alternative methods, somewhat less accurate, but requiring less sophisticated equipment thereby reducing the accompanying expense should be allowed to minimize the economic impacts associated with monitoring.

A number of commenters also expressed concern involving the enforceability of the monitoring requirements and therefore emphasized that the States should be the ones to specify and prescribe the monitoring requirements associated with the NSDWR.

The recommended analytical methods represent proven methods for the monitoring of the contaminants listed in the NSDWR. It is the prerogative of the States to institute and/or supplement the suggested monitoring or analytical requirements for the NSDWR in their own laws and regulations.

IV. Economic and Energy Impact

A total of 11 comments were received involving the possible economic implications of the NSDWR. Ten of the commenters expressed concern about the possible economic hardships imposed by the NSDWR to customers served by small systems, especially to those with a population of less than 10,000. One of the commenters expressed doubts whether it is worthwhile to pay a higher price for a product with no additional benefits to be derived other than the increased aesthetic quality. On the basis of this, the commenter felt that the public would not be willing to incur the additional expense to improve the aesthetic quality of the water. The commenter also raised the question as to whether the decision regarding the implementation of the NSDWR should be left to the consumer rather than to the State.

In determining costs associated with treatment needed to achieve compliance with these secondary standards, EPA found that the smallest system was the most burdened on a per capita basis. However, suggestions that such small systems be relieved of the burden of these regulations is directly counter to the intent of the Safe Drinking Water Act. The States have discretion in implementaton of these secondary regulations and can give special consideration to small water systems. This may include a phased implementation program with small systems given the most amount of time to come into compliance with the secondary regulations.

Another comment received suggested an investigation into the cost-effectiveness of home treatment devices in place of central treatment facilities.

There is very little experience in the water supply industry with operation and maintenance of home treatment devices, as a responsibility of the water supply system. Although the SDWA is directed to public water systems, home treatment devices are typically operated by private companies or the home owner. Preliminary investigation into the cost-effectiveness of these home treatment devices indicates that where there are existing central distribution systems, central treatment is dramatically more cost-effective than home units. However, were a water supply to determine that the customers served had already instituted home treatment for specific secondary standards or that a system controlled and operated network of home treatment units would be safe and cost-effective, it might be plausible to take that approach rather than construct and operate a central facility.

Another comment was directed to the energy impacts of the proposed regulation. As with the economic impact assessment, precise impacts are impossible to determine because of the discretionary nature of these regulations. However, it is not anticipated that appreciable national energy impacts will exist as a result of these regulations because the treatment technologies are relatively not energy intensive and implementation will be on a "need" basis and over a phased time frame.

[FR Doc. 79-22237 Filed 7-18-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-48]

[FPMR Amdt. H-116]

Management of Abandoned and Forfeited Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: When personal property seized by the Government is forfeited by court decree, GSA petitions the court to deliver the property to the holding agency if that agency has requested the property on occasion, a holding agency has requested only component parts or accessories from a complete and operable item of seized property. The removal of component parts or accessories may render an item inoperable or uneconomical for further use. This regulation provides that an agency must adequately justify such a request and that GSA will honor the request only if to do so would be in the best interest of the Government.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division, Office of Personal Property, Federal Property Resources Service, General Services Administration, Washington, DC 20405 (703-557-1540).

SUPPLEMENTARY INFORMATION: The General Services Adminstration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-48.101-4 is amended to revise paragraph (b) to read as follows:

§ 101-48.101-4 Retention by holding agency.

* * * * *

(b) A holding agency when reporting property under § 101-48.101-5, which is subject to pending court proceedings for forfeiture, may at the same time file a request for that property for its official use. A request for only components or accessories of a complete and operable item shall contain a detailed justification concerning the need for the components or accessories and an explanation of the effect their removal will have on the item. Upon receipt of a request, GSA will make application to the court requesting delivery of the property to the holding agency, provided that, when a holding agency has requested only components or accessories of a complete and operable item, GSA determines that their removal from the item is in the best interest of the Government.

* * * * *

(Sec. 307, 49 Stat. 880; 40 U.S.C. 304 l).

Dated: July 11, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-22390 Filed 7-18-79; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration and

Materials Transportation Bureau

49 CFR Part 179

[Docket No. HM-144]

Statement of Enforcement Policy on Tank Car Retrofit

AGENCIES: Materials Transportation Bureau and Federal Railroad Administration, DOT.

ACTION: Statement of enforcement policy.

SUMMARY: The Materials Transportation Bureau (the Bureau) and the Federal Railroad Administration (FRA) have found it necessary to issue a statement of policy explaining the legal sanctions available for enforcement of the requirements for retrofit of DOT Specification 112 and 114 tank cars issued under Docket No. HM-144. This explanation is responsive to an incorrect and misleading characterization of applicable legal sanctions contained in a National Transportation Safety Board (NTSB) Report on the FRA track safety and hazardous materials safety programs. This statement of enforcement policy is intended to dispell any misimpressions which the NTSB statement may have engendered concerning the adequacy of legal remedies and the determination of the Department to assure that tank car owners comply with the established retrofit schedule.

FOR FURTHER INFORMATION CONTACT: Grady C. Cothen, Jr., Office of Chief Counsel, Federal Railroad Administration, 202-426-8220.

SUPPLEMENTARY INFORMATION: *Retrofit requirements.* On September 15, 1977, the Bureau published in the **Federal Register** (42 FR 46306) final rules requiring that DOT Specification 112 and 114 tank cars be equippped with shelf couplers and tank head protection. Cars used to transport flammable compressed gas were also required to be equipped with thermal protection. A timetable was established for the retrofit of existing cars.

On July 13, 1978, the Bureau published in the **Federal Register** (43 FR 30057) a final rule that established a shortened retrofit schedule. Shelf couplers were required to be applied not later than December 31, 1978. Additional deadlines were set as follows:

1. Existing specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride and butane, whose owners have elected to retrofit with jacketed insulation and integral tank head protection (known as the "J" retrofit), are to be retrofitted over a 3-year period ending on December 31, 1980.

2. Existing specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride and butane, whose owners have elected to retrofit with a nonjacketed thermal protection system and tank head protection (known as the "T" retrofit) are to be retrofitted with tank head protection over a 2-year period ending December 31, 1979, and with the nonjacketed thermal protection system over a 3-year period ending on December 31, 1980.

3. Existing specification 112 and 114 tank cars used to transport anhydrous ammonia exclusively (the "S" retrofit) are to be retrofitted with tank head protection over a 2-year period ending on December 31, 1979.

The amended regulation further provides that certain percentages of the cars subject to the "J" retrofit must be completed at the end of each of the three years allotted for that portion of the program. Specifically, 20 percent of those cars were required to be completed by December 31, 1978. By the end of calendar year 1979, 65 percent of the cars must be retrofitted. The remaining 35 percent of the cars must be completed in 1980. 49 CFR 179.105-3(d)(3).

Tank car owners are required to report retrofit elections and progress on a quarterly basis. 49 CFR 179.105-9 (43 FR 39792; September 7, 1978). While some latitude has necessarily been allowed for changes in elections through the current year based on availability of shop capacity and materials or changes in use (e.g., from flammable compressed gas to exclusive anhydrous ammonia service), the greatest portion of the retrofit effort must be completed by the end of this year.

A maximum of 35 percent of the cars designated to receive the "J" retrofit may remain in transportation after the end of this year. This percentage completion requirement applies to each tank car owner. All other 112/114 tank cars must be completed (or withdrawn from flammable gas and anhydrous ammonia service) by the end of this year. A tank car owner who fails to complete the retrofit of 65 percent of those cars designated for the "J" retrofit would be required to withdraw a sufficient number of cars from service to come within the 65 percent requirement. Obviously, since maintaining cars in flammable gas or anhydrous ammonia service is a voluntary business decision, a tank car owner cannot be compelled to maintain any specific number of completed cars in hazardous materials service. Nor would the public safety be endangered by the use of those cars for the carriage of non-hazardous products.

NTSB error. On March 8, 1979, the NTSB adopted a report entitled "Safety Effectiveness Evaluation of the Federal Railroad Administration's Hazardous Materials and Track Safety Programs" (Report No. SEE-79-2). In commenting on the retrofit requirement, the NTSB stated:

> As of December 31, 1978, there were about 1,400 tank cars that did not have the required shelf couplers. The penalty for not complying with the regulation is holding out of service the unequipped tank cars. *The percentage completion requirements in the regulation have no binding legal sanctions. The only provision to enforce the application of the head shields and thermal protection before the last day of 1980 is by use of Section 111(b) of the Hazardous Materials Transportation Act.* If the Secretary can show that a failure to retrofit the required number of tank cars constitutes an "imminent hazard," he may petition an appropriate district court of the United States for an order to eliminate or ameliorate such imminent hazard.

Id. at pg. 10 (emphasis added). While it is true that approximately 1,268 cars out of a total of approximately 17,454 were cars withdrawn from service at the beginning of 1979 in order to complete the application of shelf couplers, those cars obviously posed no threat to the public while so occupied. Observance of the deadline provided the intended protection to the public.

Cars not in compliance with the retrofit deadlines must be withdrawn from service *if direct sanctions are to be avoided.* However, the balance of the NTSB quotation appears to imply that the percentage completion requirement could be violated and cars continued in service without the application of any "binding legal sanctions." That statement is incorrect and could, if accepted as official government policy, influence the actions of those subject to the regulations.

The requirements of Docket No. HM-144 were issued under the authority of the Hazardous Materials Transportation Act of 1974 (49 U.S.C. 1801 et seq.) (Act). Subsection 110(a) of the Act (49 U.S.C. 1809(a)) provides for the assessment by the Secretary of Transportation of a civil penalty of up to $10,000 for each violation of any regulation issued under the Act. Each day of violation constitutes a separate offense.

Subsection 110(b) (49 U.S.C. 1809(b))

provides that any person who willfully violates a regulation issued under the Act is guilty of a criminal offense and is subject to a fine of not more than $25,000, imprisonment for a term not to exceed 5 years, or both.

Subsection 109(a) (49 U.S.C. 1808(a)) authorizes the Secretary, after notice and an opportunity for hearing, to issue orders directing compliance with regulations issued under the Act. Compliance orders, which can be enforced in the district courts, may contain such ancillary provisions as neccessary to assure compliance. See 49 CFR Part 209 (42 FR 56742 (1977)).

Clearly, the provisions cited above are "binding legal sanctions" adequate to deter violations of the percentage completion requirements.

Statement of policy. It is the policy of the Bureau and the FRA, which is responsible for enforcement of legal sanctions with respect to shipment or transportation of hazardous materials by rail, that compliance with the percentage completion requirements will be monitored closely and that any legal action necessary to assure compliance will be undertaken.

(49 U.S.C. 1801 et seq.; 49 CFR 1.49(t).)

Issued in Washington, D.C., on July 10, 1979.

John M. Sullivan,

Federal Railroad Administrator.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-21944 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; Opening of the National Elk Refuge, Wyoming to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to sport fishing of the National Elk Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 26, 1979 through October 31, 1979.

FOR FURTHER INFORMATION CONTACT: John E. Wilbrecht, National Elk Refuge, P.O. Box C, Jackson, Wyoming 83001. Phone: 307-733-2627.

SUPPLEMENTARY INFORMATION: Sport fishing on portions of the National Elk Refuge shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of the National Elk Refuge which are open to sport fishing are designated by signs and delineated on maps available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 3035, 316 N. 26th, Billings, Montana 59101.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the National Elk Refuge was established. This determination is based on consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations: sport fishing for individual wildlife refuge areas.

Wyoming

National Elk Refuge

Sport fishing on the National Elk Refuge, Wyoming, is permitted only on the areas designated by signs as being open to fishing and comprise approximately three miles of stream. Sport fishing is permitted from May 26, 1979 through October 31, 1979. Fishing and access on refuge waters are permitted during daylight hours only. Use of boats or other floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

Dated: March 16, 1979.

John E. Wilbrecht,

Refuge Manager.

[FR Doc. 79-22378 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215 and 216

Amendment to Conditions Imposed in Scientific Research and Public Display Permits Issued for Live Captive Marine Mammals

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of amendment to conditions imposed in scientific research and public display permits issued for live captive marine mammals.

SUMMARY: Regulations and standards promulgated by the Department of Agriculture (44 CFR 36868-36883) covering *Marine Mammals; Humane Handling, Care, Treatment, and Transportation* become effective on September 20, 1979. On that date all permits issued by the National Marine Fisheries Service under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*), are amended as follows: General Conditions and, where imposed, Special Conditions of permits relating to the humane handling, care, treatment, and transportation of captive marine mammals are cancelled and the Department of Agriculture standards cited above must be followed instead. By this permit amendment, these standards are incorporated as General Conditions of all permits authorizing a take of live marine mammals.

DATES: The effective date of this Notice is September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Brumsted, Permit Program Manager, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235, telephone 202-634-7529.

SUPPLEMENTARY INFORMATION: 50 CFR 216.31(d)(4) provides that scientific research and public display permits issued by National Marine Fisheries Service under the Marine Mammal Protection Act that authorize the take of

marine mammals for captive live maintenance include conditions requiring the humane handling, care, treatment, and transportation of these animals. 50 CFR 215.12(d)(1) has the same provisions for animals taken under the Fur Seal Act. Because of the implementation by the Department of Agriculture of regulations establishing standards under the Animal Welfare Act which cover these same activities, the similar conditions imposed by existing permits are considered to be superseded and are hereby replaced by the Animal Welfare Act standards. Each permit holder will be notified of these amendments by letter.

The specific permit conditions amended are:

a. For Marine Mammal Protection Act permits issued on or after August 25, 1977, Sections C–2h, C–2i, C–6b, and Section D of the General Conditions are superseded by the Department of Agriculture standards (Section D is a part of the General Conditions imposed only in those permits which authorize holding live captive animals).

b. For Marine Mammal Protection Act permits involving holding captive live animals for public display or scientific research that were issued prior to August 25, 1977, Sections C–2, C–3, C–8j, and C–8k of the General Conditions are superseded by the standards.

c. For Fur Seal Act pemits Sections C–1, C–3, C–8g, and C–8h of the General Conditions are superseded by the standards.

Since no Endangered Species Act permits authorize holding live captive marine mammals no modification to the conditions of these permits is required.

The above amendments to existing permits are being made as provided for in existing permit General Conditions as follows:

a. Marine Mammal Protection Act Permits issued on or after August 15, 1977—General Condition C–10.

b. Marine Mammal Protection Act Permits issued prior to August 15, 1977—General Condition C–8m.

c. Fur Seal Act Permits—General Condition C–8j.

All other General and Special Conditions remain in effect. This includes conditions affecting capture operations which are not covered by Department of Agriculture standards.

Dated: July 13, 1979.

Winfred H. Meibohm,

Associate Director, National Marine Fisheries Service.

[FR Doc. 79–22264 Filed 7–18–79; 8:45 am]

BILLING CODE 3510–22–M

Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts)

7 CFR Part 908

[Valencia Orange Regulation 621]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 20–26, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 20, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

The committee met on July 17, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be very limited.

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

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447–5975.

§ 908.921 Valencia Orange Regulation 621.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 20, 1979, through July 26, 1979, are established as follows:

(1) District 1: 208,000 cartons;

(2) District 2: 192,000 cartons;

(3) District 3: Unlimited.

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

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

Dated: July 18, 1979.

D. S. Kuryloski,

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

[FR Doc. 79–22645 Filed 7–18–79; 11:51 am]

BILLING CODE 3410–02–M

Proposed Rules

Federal Register
Vol. 44, No. 140
Thursday, July 19, 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 AGRICULTURE

Federal Crop Insurance Corporation

[7 CFR Part 429]

Proposed Rye Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring rye crops effective with the 1980 crop year. This rule combines provisions from previous regulations for insuring rye in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than September 17, 1979.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), it is proposed that there be established a new Part 429 of Chapter IV in Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 429, Rye Crop Insurance.

This part prescribes procedures for insuring rye crops effective with the 1980 crop year.

All previous regulations applicable to insuring rye crops as found in 7 CFR 401.101–401.111, and 401.133, will not be applicable to 1980 and succeeding rye crops but will remain in effect for Federal Crop Insurance Corporation (FCIC) rye insurance policies issued for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring rye crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, proposed 7 CFR Part 429 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) that the production guarantees will now be shown on a harvested basis with a reduction of the lesser of 6 bushels or 20 percent of the guarantee for any unharvested acreage, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that three coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, and (8) for an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 429.5 of these proposed regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The proposed Rye Crop Insurance regulations provide a June 30 cancellation date for all rye producing counties.

These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of June 30, 1980, before they become effective for the 1980 crop year.

All written submissions made pursuant to this notice will be available for public inspection at the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to delete and reserve 7 CFR 401.133, but these provisions shall remain in effect for FCIC rye insurance policies issued for crop years prior to 1980. The Corporation also proposes to issue a new Part 429 in Chapter IV of Title 7 of the Code of Federal Regulations effective with the 1980 and subsequent crops of rye, which shall remain in effect until amended or superseded, to read as follows:

PART 429—RYE CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

429.1 Availability of Rye Insurance.
429.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
429.3 Public notice of indemnities paid.
429.4 Creditors.
429.5 Good faith reliance on misrepresentation.
429.6 The contract.
429.7 The application and policy.

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

§ 429.1 Availability of rye insurance.

Insurance shall be offered under the provision of this subpart on rye in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which rye insurance will be offered.

§ 429.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for rye which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 429.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 429.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 429.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the rye insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 429.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the rye crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 429.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the rye crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a rye contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Rye Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Rye Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19—and Succeeding Crop Years; Rye Crop Insurance Contract

_____

_____

_____

(Name and Address) (ZIP Code)

_____

(Contract Number)

_____

(Identification Number)

_____

(County)

_____

(State)

Type of Entity _____

Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the rye seeded on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. The Premium Rates and Production Guarantees Shall Be Those Shown on the Applicable County Actuarial Table Filed in the Office for the County for Each Crop Year.

Level Election _____

Price Election _____

Example: For the 19—Crop Year Only (100% Share)

Location/ Farm No.	Guarantee Per Acre *	Premium Per Acre **	Practice

* Your guarantee will be on a unit basis (acres x per acre guarantee x share).

** Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following rye insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

_____

(Code No./Witness to Signature)

_____

(Signature of Applicant)

_____

(Date)————————, 19—

Address of office for county:

Phone

Location of Farm Headquarters:

Phone

Rye Crop Insurance Policy
Terms and Conditions

Subject to the provisions in the attached appendix:

1. Causes of loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and acreage insured. (a) The crop insured shall be rye which is seeded for harvest as grain and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage seeded to rye on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where rye was seeded with vetch or flax or other small grains, (2) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (3) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (4) which is destroyed and after such destruction it was practical to reseed to rye and such acreage was not reseeded, (5) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal crop to be produced, (6) of volunteer rye, (7) seeded to a type or variety of rye not established as adapted to the area or shown as noninsurable on the actuarial table, or (8) seeded with another crop, except as otherwise provided herein.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is seeded for the development or production of hybrid seed or for experimental purposes.

3. Responsibility of Insured to report acreage and share. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of rye seeded in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of seeding. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. Production guarantees, coverage levels, and prices for computing indemnities. (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by the lesser of 3 bushels or 20 percent for any unharvested acreage.

5. Annual Premium. (a) The annual premium is earned and payable at the time of seeding and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of seeding, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage shall attach at the time the rye is seeded and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the rye from the field, (c) October 31 of the calendar year in which rye is normally harvested, or (d) total destruction of the insured rye crop.

7. Notice of damage or loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the rye on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to rye. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire rye crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of rye on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of rye on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of rye to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Mature production which grades No. 3 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 16.0 percent; and if, due to insurable causes, any rye does not grade No. 3 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official U.S. Grain Standards, the production shall be adjusted by (i) dividing the value per bushel of the damaged rye (as determined by the Corporation) by the price per bushel of U.S. No. 2 rye and (ii) multiplying the result by the number of bushels of such rye. The applicable price for No. 2 rye shall be the local market price on the earlier of: the day the loss is adjusted or the day the damaged rye was sold.

(2) Any harvested proaduction from volunteer crops growing with the seeded rye crop or small grains seeded in the growing rye crop on acreage which the Corporation has not given consent to be put to another use shall be counted as rye on a weight basis.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded before rye harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 3 bushels or 20 percent of the production guarantee for all other unharvested acreage.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of rye becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. Misrepresentation and fraud. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of insured share. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all rye produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract: Cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the concellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year is any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S.

Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

	Cancellation date	Termination date for indebtedness
All counties	June 30	Sep. 15

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

Additional Terms and Conditions

1. Meaning of terms. For the purposes of rye crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding rye insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the rye crop is normally grown and shall be designated by the calendar year in which the rye crop is normally harvested.

(d) "Harvest" means the severance of mature rye from the land for combining or threshing.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(i) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured rye crop at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(j) "Tenant" means a person who rents land from another person for a share of the rye crop or proceeds therefrom.

(k) "Unit" means all insurable acreage of rye in the county on the date of seeding for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the rye crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. Acreage insured. (a) The Corporation reserves the right to limit the insured acreage of rye to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the seeding of rye.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of seeding.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual Premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured rye acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the rye is seeded for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the

end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage level and price election. (a) If the insured has not elected on the application a coverage level and price election at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation change the coverage level and price election for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

This proposal has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A–40.

Approved by the Board of Directors on July 10, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79–22386 Filed 7–18–79; 8:45 am]

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FEDERAL RESERVE SYSTEM

[12 CFR Part 212]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 26]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563f]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 711]

[Resolution No. 79–382]

Management Official Interlocks; Proposed Amendments to Existing Regulations

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Proposed amendments to existing regulations.

SUMMARY: These proposals if adopted, would amend the regulations issued under the Depository Institution Management Interlocks Act (Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) (the "Interlocks Act"). The proposals are issued under the Interlocks Act which prohibits certain managment official interlocks between depository institutions, depository holding companies, and their affiliates. Interested persons are invited to submit written data, views or arguments regarding the proposed amendments for a period of 60 days.

DATE: Comments must be received by September 17, 1979.

ADDRESS: Please send your comments to the Office of the Secretary of the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. All material submitted should refer to Federal Home Loan Bank Board Resolution No. 79–382. All comments received will be made available for public inspection.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason (202) 452–3564, or John Walker (202) 452–2418, Board of Governors of the Federal Reserve System; Gwenn Hibbs (202) 447–1880, Office of the Comptroller of the Currency; Pamela LeCren (202) 389–4453, Federal Deposit Insurance Corporation; Kathleen Topelius (202) 377–6444, Federal Home Loan Bank Board; Ross Kendall (202) 632–4870, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95–630, 12 U.S.C. 3201 *et seq.*). The general purpose of the Interlocks Act, and the final regulations issued thereunder, is to foster competition among depository institutions, depository holding companies, and their affiliates. On February 1, 1979, the agencies published proposed regulations (44 FR 6421) under the Interlocks Act. Final regulations issued under the Interlocks Act have been published in today's **Federal Register** and are effective immediately. These amendments to the final regulations are being proposed in order to clarify certain issues not specifically addressed in the final regulations. The amendments, if adopted, would define the term "representative or nominee" and would add provisions to the final regulations regarding grandfather rights and changes in circumstances. Additionally, comment is being requested on the issue of whether a corporation is a management official for purposes of the Interlocks Act, and if so, under what circumstances.

1. *Grandfathered interlocks.* Section 206 of the Interlocks Act provides grandfather rights to certain persons. The proposed amendments state who is eligible for grandfather rights, *i.e.*, any person whose service as a management official of a despository organization began prior to November 10, 1978, which service was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19), may continue to serve in such capacity with the depository organization until November 10, 1988.

The proposed amendments provide that a person whose service as a management official of a depository institution and a nonaffiliated depository organization is grandfathered may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution. For example, if the service of a director of Bank A and S&L B in a city is

grandfathered, that director may not serve as a director of a new bank holding company (BHC A) that, after November 9, 1978, becomes a bank holding company as a result of acquiring Bank A unless the person terminates the interlocking relationship between Bank A and S&L B. If the director decides to continue the interlocking relationship between Bank A and S&L B, it should be noted that the director may not have a representative or nominee serving as a mangement official of BHC A. The Federal Reserve Board has taken this position on several occasions. *See, e.g.*, Commercial Bankshares, Inc., 64 Fed. Res. Bull. 883, 884 n.4 (1978).

2. *Change in circumstances.* Where a change in circumstances causes a particular interlocking relationship between two depository organziations to become prohibited under the Interlocks Act, section 206 provides that the agencies may allow the relationship to continue for a period of time not exceeding 15 months from the date on which the relationship became prohibited. Under the proposed amendments to the regulations, certain changes in circumstances after March 9, 1979, would defeat grandfather rights and cause interlocking service to become prohibited before November 10, 1988. The proposed amendments enumerate certain events that constitute changes in circumstances, and in each case provide a period of time within which the prohibited interlocking service must be terminated.

Generally, the changes in circumstances that defeat grandfather rights are those of a "voluntary" nature. Those changes in circumstances that would defeat grandfather rights are: (1) A significant increase in management responsibilities by change in position; (2) certain mergers, acquisitions, or consolidations; and (3) the establishment of certain branches.

Mergers, acquisitions, or consolidations will defeat grandfather rights in those cases in which immediately prior to the merger, acquisition, or consolidation, one of the depository organizations was either (a) an organization for which the person could not have served as a management official or (b) an organization that had a depository institution affiliate for which the person could not have served as a management official. For example, if a person's service as a director of Bank A and Bank B, both having total assets of less than $20 million and located in the same city, is grandfathered, and after March 9, 1979, Bank A is merged into, acquired by, or consolidated with Bank C, having total assets of less than $20 million and located in another city, then the person's grandfather rights would not be defeated. However, if Bank C was located in the same city as Bank A and Bank B, then the person's grandfather rights would be defeated. If Bank A were acquired after March 9, 1979, by a bank holding company (BHC A), having total assets of less than $20 million and located in another city, that had no subsidiary bank located in the same city as Bank A and Bank B, then the persons's grandfather rights would not be defeated. However, if BHC A had a subsidiary bank located in the same city as Bank A and Bank B, then the person's grandfather rights would rights would be defeated. If a person's service as a director of Bank A located in one city and a bank holding company (BHC B) located in another city is grandfathered, and BHC B does not have a subsidiary bank located in the same city as Bank A but acquires such a subsidiary bank after March 9, 1979, then the person's grandfather rights would be defeated.

Newly established branches will defeat grandfather rights in those cases in which one of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an office in the same city as the other depository organization, or its depository institution affiliate, where no such office existed previously, or both depository organizations, or their depository institution affiliates, establish an office in a city or SMSA where neither previously had an office. For example, if a person's service as a director of Bank A and Bank B located in different cities in the same SMSA is grandfathered, and Bank A establishes its first branch in a city where Bank B already has a branch or its main office, then the person's grandfathered rights would be defeated. If Bank A and Bank B both establish their first branches in the same city, or the depository institution affiliates of Bank A and Bank B both establish their first branches in the same city, then the person's grandfather rights would be defeated. However, if Bank A and Bank B have a branch located in the same city, then the banks may establish additional branches in that city without defeating the person's grandfather rights. If Bank A establishes its first branch in a city where Bank B has no branch but where a depository institution affiliate of Bank B has a branch, then the person's grandfather rights would be defeated.

The proposed amendments provide that when an event occurs that would defeat grandfather rights, the interlocking relationship may continue through the date of the next regularly scheduled annual meeting of shareholders of either of the depository organizations involved, whichever is later. A person whose grandfathered service as a management official of two depository organizations becomes prohibited by a change in circumstances may terminate the prohibited service with one of the depository organizations simply by not being reelected or reappointed as a management official of that depository organization. Allowing this time period within which to terminate interlocks that become prohibited should lessen the disruptive effects of management changes to the organizations involved. The person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but in no case may an interlocking relationship continue for more than 15 months after a change in circumstance occurs that makes the relationship prohibited.

With respect to nongrandfathered interlocking relationships, certain events—whether voluntary or involuntary—may cause an interlocking relationship to become prohibited under the Interlocks Act. The proposed amendments provide that relationships that become subject to the prohibitions of the Interlocks Act as a result of certain "involuntary" changes in circumstances defined in the proposed amendments (changes in boundaries of a city, town, or village, or an SMSA, or natural growth in asset size of a depository organization) normally will be entitled to a 15-month period to comply with the act. The agencies view such changes in circumstances as being largely beyond the control of the depository organizations, and therefore "involuntary."

The proposed amendments provide that relationships that become subject to the prohibitions of the Interlocks Act as a result of certain "voluntary" changes in circumstances defined in the proposed amendments (mergers, acquisitions, consolidations, and the establishment of branches) normally will be entitled to continue through the date of the next regularly scheduled annual meeting of shareholders of either of the depository organizations involved, whichever is later. The appropriate agency or agencies may be requested to grant an additional extension of time to continue the interlocking relationship, but in no case may an interlocking relationship continue for more than 15 months after a

change in circumstances occurs that makes the relationship prohibited.

3. *Definition of representative or nominee.* Section 202(4) of the Interlocks Act defines the term "management official" to include any person who has a "representative or nominee" serving as an employee or officer with management functions or a director. Thus, a person may be regarded as a management official of a depository organization without actually serving as a management official of the organization. The proposed amendments define the term "representative or nominee" to mean a person who serves as a management official under an express or implied duty to act on behalf of another person with respect to management responsibilities. The agencies will make the determination of whether a person is a representative or nominee of another person based on all the facts in a particular case. Under the proposed amendments, certain relationships, including family, employment, or agency relationships, normally will be considered sufficient to establish the existence of an express or implied duty. The agencies believe that the ability of a shareholder of an organization to elect a director and the exercise of that ability would not necessarily make the elected director the representative or nominee of the shareholder. If the director has some relationship with the shareholder with regard to the director's management responsibilities, the director would be considered the shareholder's representative. Finally, if a person who is entitled to a position on the board of an organization asks another person to serve in that position, that other person would be considered a "representative or nominee." This situation might arise where a person entitled to serve on the board of an organization is prohibited from serving by statute or by a cease-and-desist agreement.

4. *Representative or nominee of a nondepository corporation or business.* As stated above, section 202(4) of the Interlocks Act defines the term "management official" to include "any person" who has a representative or nominee serving as an employee or officer with management functions or a director. Inasmuch as the term "any person" in section 202(4) could include corporations and other businesses, the agencies are considering whether to define the term "person" for purposes of the Interlocks Act so as to exclude corporations or other businesses. If the term "any person" applies to corporations, then a nondepository corporation that has one officer serving as a director of one depository organization and another officer serving as a director of another depository organization could be considered to have a representative or nominee serving as a management official of the two depository organizations. Accordingly, the nondepository corporation would be a management official under the Interlocks Act, and, for example, would be prohibited from having one officer serve as a director of one depository organization with total assets exceeding $1 billion and another officer serve as a director of another depository organization with total assets exceeding $500 million. Likewise, the nondepository corporation would be prohibited from having one officer serve as a director of one depository organization in a city and another officer serve as a director of another depository organization in the same city. The agencies are considering three alternatives regarding this issue:

1. Define the term "any person" to mean only natural persons;
2. Define the term to mean corporations, other businesses, and natural persons; or
3. Define the term to mean corporations, other businesses, and natural persons, and in the case of corporations or other businesses to limit the applicability to those circumstances where an individual acts in a demonstrably representative manner on behalf of the corporate or business principal.

The agencies request comment on these and other alternatives.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank board, and the National Credit Union Administration propose to amend 12 CFR by amending Parts 212, 26, 348, 563f, and 711, respectively, to add new provisions to read as follows:

FEDERAL RESERVE SYSTEM

[12 CFR Part 212]

[Reg. L]

PART 212—MANAGEMENT OFFICIAL INTERLOCKS

1. Paragraph (k) of § 212.2 is added to read as follows:

§ 212.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 212.5 is added to read as follows:

§ 212.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 212.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 212.6 is added to read as follows:

§ 212.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 212.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been

significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish and office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 212.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 212.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal Supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

Board of Governors of the Federal Reserve System, July 13, 1979.

Theodore E. Allison,

Secretary of the Board.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 26]

Management Official Interlocks

1. Paragraph (k) of § 26.2 is added to read as follows:

§ 26.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone, However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 26.5 is added to read as follows:

§ 26.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 26.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 26.6 is added to read as follows:

§ 26.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 26.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution

affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragrah (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 26.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this Part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 26.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

Dated: July 11, 1979.

Lewis G. Odom, Jr.,

Acting Comptroller of the Currency.

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

PART 348—MANAGEMENT OFFICIAL INTERLOCKS

1. Paragraph (k) of § 348.2 is added to read as follows:

§ 348.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee".

* * * * *

2. Section 348.5 is added to read as follows:

§ 348.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 348.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 348.6 is added to read as follows:

§ 348.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 348.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization, (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its deposiory institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of both organizations involved in the interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may

not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 348.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has fifteen months from the date of the change in circumstances to comply with this Part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 348.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

* * * * *

By Order of the Board of Directors of the Federal Deposit Insurance Corporation, June 25, 1979.

Hannah R. Gardiner,

Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 79-382]

Federal Savings and Loan Insurance Corporation; Management Official Interlocks

July 12, 1979.

1. Paragraph (k) of § 563f.2 is added to read as follows:

§ 563f.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 563f.5 is added to read as follows:

§ 563f.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 563f.6(a)

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 563f.6 is added to read as follows:

§ 563f.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under section 563f.5 of this Part, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 563f.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this Part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 563f.5 and becomes prohibited as a result of an acquistion, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 711]

PART 711—MANAGEMENT OFFICIAL INTERLOCKS

1. Paragraph (k) of § 711.2 is added to read as follows:

§ 711.2 Definitions.

* * * * *

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied duty to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. Certain relationships, including family, employment, or agency relationships, are normally considered sufficient to establish the existence of such an express or implied duty. The ability of a shareholder of a company to elect a director and the exercise of this ability does not make the director the representative or nominee of the shareholder on the basis of these facts alone. However, if the director has some relationship with the shareholder, for example, a duty arising from an agreement or understanding between the shareholder and the director with regard to the director's management responsibilities, the director is the "representative" of the shareholder. If a person is entitled to a position on the board of directors and that person asks another to serve in that position, that other person is considered a "representative or nominee."

* * * * *

2. Section 711.5 is added to read as follows:

§ 711.5 Grandfathered interlocking relationships.

(a) A person whose service in a position as a management official of a depository organization began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in that position until November 10, 1988, except as provided in § 711.6(a).

(b) A person who may serve under paragraph (a) of this section until November 10, 1988, as a management official of a depository institution and a nonaffiliated depository organization, may not serve as a management official of an organization that after November 9, 1978, becomes a depository holding company as a result of acquiring shares of the depository institution unless the person terminates the interlocking relationship between the depository institution and the nonaffiliated depository organization.

3. Section 711.6 is added to read as follows:

§ 711.6 Change in circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 711.5, the person must terminate such service only if any of the following events occur after March 9, 1979:

(i) In the case of either organization (or a successor organization resulting from acquisition, merger, or consolidation), the person's management responsibilities have been significantly increased within either organization (or its successor) by a change in such person's position;

(ii) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization that prior to the transaction (A) was a depository organization for which the person could not have served as a management official, or (B) had a depository institution affiliate for which the person could not have served as a management official; or

(iii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office. (2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of both organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances.

(b)(1) If a person's service as a management official is not grandfathered under § 711.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or a change in SMSA, or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(2) If a person's service as a management official is not grandfathered under § 711.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of both organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders meeting of either organization, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months

from the date of the change in circumstances.

(Sec. 209(5), 92 Stat. 3672 (12 U.S.C. 3209(5), sec. 120, 73 Stat. 635 (12 U.S.C. 1766), and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

Lawrence Connel,

Chairman.

July 13, 1979.

[FR Doc. 79-22297 Filed 7-18-79; 8:45 am]

BILLING CODES 6210-01-M, 4810-33-M, 6714-01-M, 6720-01-M, AND 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 79-ASW-25]

Airworthiness Directive; Bell Model 204B, 205A-1, and 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require repetitive inspections at 1000 hour intervals and corrosion protection of the main rotor yokes on Bell Model 204B, 205A-1, and 212 helicopters. The proposed AD is needed to detect or preclude possible cracks as a result in a crack and failure of the yoke and loss of the main rotor blade. The proposed AD is prompted by several reports of cracked main rotor yokes found on Bell Model 205A-1 and 212 helicopters.

DATES: Comments on the proposal must be received on or before August 25, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attn. Docket 79-ASW-25, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable maintenance manual revisions may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the development of the final rule by submitting such written or oral comments as they desire. Communications should identify the regulatory Docket No. and be submitted in triplicate to the address specified above. All comments will be recorded and considered by the Docket before taking final action and the proposal may be changed as a result of the comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76101.

Several reports of cracks occurring as a result of corrosion pits or surface marks in the main rotor yoke web, the pillow block bushing holes, and in the yoke spindle bearing journal have been reported at 1562, 1729, 3951, and 4625 hours' total time in service on certain model 205A-1 or 212 helicopters. Coastal operating environment may have contributed to the corrosion of the yokes. Bell Helicopter Textron issued Service Bulletin Nos. 204-79-6, 205-79-8, and 212-79-14 to establish improved inspections and corrosion protection of the main rotor yokes for the Bell Models 204B, 205A-1, and 212 helicopters. Compliance with the bulletins should be accomplished at the next overhaul, but prior to December 1, 1979.

Cracked or corroded main rotor yokes may exist or develop on other Bell Model 204B, 205A-1, and 212 helicopters. The proposed AD would require inspections for cracks, corrosion, a sharp radius or dent in the yoke, and would require specific corrosion protection of the yoke before December 1, 1979. The inspections and corrosion protection would be required, thereafter, at intervals, not to exceed 1000 hours from the last inspection. Repair limits for the yoke, specified in the overhaul manuals, would be imposed by the proposed AD.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Bell. Applies to Models 204B, 205A-1, and 212 helicopters, certificated in all categories equipped with main rotor hub assembly, P/N 204-012-101 and yoke assembly, P/N 204-011-102.

For main rotor yokes having 500 hours' or more total time in service on the effective date of this AD, compliance required prior to December 1, 1979, unless already accomplished, and thereafter at intervals not to exceed 1000' hours from the last inspection.

For main rotor yokes having less than 500 hours' total time in service on the effective date of this AD, compliance required prior to attaining 1000 hours' total time in service and thereafter, at intervals not to exceed 1000 hours' from the last inspection.

To detect and preclude corrosion and possible cracks in the main rotor yoke, accomplish the following:

a. Remove the yoke assembly from the main rotor hub assembly.

b. Conduct the following inspections:

1. Inspect yoke for corrosion pits in the pillow block bushing hole, for corrosion pits in each spindle, for a sharp radius in the bottom of the pillow block bushing holes, for corrosion pits or sharp indentations in the web of the yoke by using a five power or higher magnifying glass.

2. Inspect the yoke for cracks using a magnetic particle inspection method. Special attention should be given to the center section web, spindles, and pillow block bushing holes.

c. Remove corrosion pits, repair and refinish the yoke as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul manual or Revision 1, Model 205A-1 Component Repair and Overhaul manual or later revisions of the appropriate manual.

d. Replace yokes having a crack, a sharp radius in a pillow block bushing hole, or that exceed repair limits specified in the appropriate model maintenance or repair and overhaul manual, with a serviceable yoke, before further flight. The serviceable yoke must have been refinished as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul manual or Revision 1, Model 205A-1 Component Repair and Overhaul manual or later revisions of the appropriate manual.

e. Equivalent means of compliance with this AD may be approved by Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

f. The helicopter may be flown in accordance with FAR 21.197 to a base where inspections and repairs can be performed.

g. Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD if the request contains data justifying the increase.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

Note.—The FAA has determined that this document involves a proposal 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 Fort Worth, Texas on July 9, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-22302 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-27]

Control Zone and Transition Area Proposed Alterations: Silver City, 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 control zone and transition area at Silver City, NM. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing proposed instrument approach procedures to the Silver City-Grant County Airport. The circumstance which created the need for the action is the scheduled installation of a partial instrument landing system (ILSP) at the Silver City-Grant County Airport. In addition, higher performance aircraft are using the airport which requires additional airspace.

DATES: Comments must be received on or before August 20, 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: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), 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 F and Subpart G of FAR Part 71 describe the control zone and transition area reflecting controlled airspace designed to provide protection for aircraft executing instrument approach procedures to the Silver City-Grant County Airport. Scheduled installation of a partial instrument landing system (ILSP) on runway 26 will provide instrument approach procedures from the east and require expansion of existing controlled airspace to provide the required protection.

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 on or before August 20, 1979, 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 amendments to Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Silver City, NM, control zone and transition area. The FAA believes this action will enhance instrument flight rules (IFR) operations at the Silver City-Grant County Airport by providing additional controlled airspace for aircraft executing instrument approach procedures established for the airport. Subpart F and Subpart G of Part 71 were republished in the **Federal Register** on January 2, 1979 (44 FR 353) and (44 FR 442) respectively.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes:

1. To amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 353) by altering the Silver City, NM, control zone as follows:

Silver City, N. Mex.

Within a 6.5 mile radius of the Silver City-Grant County Airport (latitude 32°37'56"N., longitude 108°09'15"W.) and within 3 miles either side of the Silver City VORTAC 140° radial extending from the 6.5 mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

2. To amend § 71.181 (14 CFR Part 71) as republished (44 FR 442) by altering the Silver City, NM, transition area as follows:

Silver City, N. Mex.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56"N., longitude 108°09'15"W.) and within 3.5 miles either side of the 107° bearing from the Cozey LOM (latitude 32°37'55"N., longitude 108°03'44") extending from the 10.5-mile radius to 8.5 miles east of the LOM.

(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)))

Note.—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; 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 6, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-22303 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-CE-17]

Transition Area, Cherokee, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Cherokee, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Cherokee, Iowa Municipal Airport, which is based on a Non-Directional Radio Beacon (NDB) being installed on the airport.

DATES: Comments must be received on or before August 26, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before August 26, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Cherokee, Iowa. To enhance airport usage by providing instrument approach capability to the Cherokee Municipal Airport, the City of Cherokee, Iowa, is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Cherokee, Iowa, at and above 700 feet above ground level (AGL), within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Cherokee, Iowa

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Cherokee Municipal Airport (latitude 42°43'55" N, longitude 95°33'22" W), and within 3 miles each side of the 206° true bearing from the Cherokee NDB (latitude 42°43'55"N, longitude 95°33'10"W), extending from the 6½ mile radius area to 8½ miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—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.

Issued in Kansas City, Missouri, on July 9, 1979.

C. R. Melugin, Jr.,
Director, Central Region.

[FR Doc. 79-22304 Filed 7-18-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-WE-2]

Designation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a new airway from Pomona, Calif., soutward to V-23 airway thence along V-23 to Mission Bay, Calif. This route is used as a preferential route between Los Angeles, Calif., and San Diego, Calif., areas. Designation of this route as an airway will reduce the time required for flight planning and communication.

DATES: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 79-WE-2, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons 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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation

Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before Aug. 20, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments summitted 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 sumitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons 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 Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate an airway from Mission Bay to Pomona via Oceanside, Calif.; and the INT of the Pomona 179° T (164° M) and Oceanside, 316° T (301° M) radials.

This action would permit the use of an airway by pilots using this route between the Los Angeles and San Diego areas thereby reducing the time needed to flight plan and communicate the desired route to air traffic control.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under § 71.123

"V–363 from Mission Bay, Calif., via Oceanside, Calif.; INT Oceanside 316° and Pomona, Calif., 179° radials; to Pomona." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348)(a) and 1354(a)); sect. 6(c), 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 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 techincial 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 Washington, D.C., on July 13, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79–22307 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 71]

[Airspace Docket No. 79–GL–42]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Gaylord, Michigan to accommodate a relocation of the Gaylord Very High Frequency Omnidirectional Range (VOR) and revised instrument approach procedures into the Otsego County Airport, Gaylord, Michigan. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–42, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of the revised procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–42, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. 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 rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Gaylord, Michigan. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

§ 71.181 (44 FR 442) the following transition area is amended to read:

Gaylord, Mich.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Otsego County Airport, Gaylord, Michigan (latitude 45°01'00" N; longitude 84°41'45" W) and within an 8.5 mile radius of the Gaylord (GLR) VORTAC (latitude 45°00'45.3" N; longitude 84°42'14.5" W) and 4.0 miles south and 4.0 miles north of the 282° true radial of the GLR VORTAC extending from the 8.5 mile radius out to 13.0 miles, and within 5.0 miles north and 5.0 miles south of the 274° true bearing of the Alpine (ALV) NDB (latitude 45°04'58" N; longitude 83°33'25" W) extending from the 8.5 mile radius out to 13.0 miles.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-42, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-21992 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-GL-43]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Watersmeet, Michigan to accommodate a new Non-Directional Radio Beacon (NDB) Runway 9 and 27 instrument approaches into NRC Airport, Watersmeet, Michigan established on the basis of a request from the NRC Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-43, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: A small portion of airpsace will be designated at 1200 feet above ground. In addition, the floor of the controlled airspace in this area will be lowered to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or argument as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-43, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. 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 rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 and 1200 foot controlled airspace transition area near Watersmeet, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following additions should be made to the existing transition area:

Watersmeet, Mich.

That airspace extending upward from 700 feet above the surface within an 8.5 statute mile radius of the NRC Airport, Watersmeet, Michigan (latitude 46°17'15"N, longitude 89°16'35"W), excluding that portion which overlaps the Land-O-Lakes transition area; and that airspace extending upward from 1200 feet above the surface within 9.5 miles north and 4.5 miles south of the 265° true bearing of the Watersmeet (RXW) NDB (latitude 46°17'28"N; longtitude 89°16'43"W) extending 18.5 miles east of the NDB and 9.5 miles north and 4.5 miles south of the 100° true bearing of the RXW NDB extending 18.5 miles west, excluding that portion which overlaps the Land-O-Lakes and the Boulder Junction transition areas and that 1200 foot airspace designated to encompass VOR Federal Airways V430, V93, and V91E.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation

prepared from this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-43, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-21993 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-GL-44]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near North Lima, Ohio to accommodate a new Very High Frequency Omni-directional Range (VOR) instrument approach into Youngstown Elser Metro Airport, North Lima, Ohio established on the basis of a request from the Elser Metro Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-44, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submittting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-44, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. 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 rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near North Lima, Ohio. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following addition should be made to the existing transition area:

North Lima, Ohio

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius area of the Youngston Elser Metro Airport (latitude 40°57'30" N., longitude 80° 40' 30" W.), within 2.5 miles each side of the Akron, Ohio VORTAC 110° radial extending from the 5.5 mile radius area to 7 miles norhtwest of the airport excluding that protion that coincides with the Youngstown, Ohio transition area.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-44, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-21994 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-GL-27]

Proposed Alteration to Control Zones and Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this Federal action is to alter and more accurately define the transition areas and control zones airspace near Sault Ste. Marie, Michigan. These changes are a result of recent major airport changes in this area, which saw the Kincheloe Air Force Base close, the Chippewa County Airport open on the site of the previous Air Force Base (AFB), followed by the closing of the Sault Ste. Marie Municipal Airport. The intended effect of this action is to insure segregation of the

aircraft using the new and revised instrument approach procedures at the Chippewa County Airport in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–27, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: All of the previous airspace within the control zones and transition areas of Sault Ste. Marie, Michigan (Kincheloe AFB), Sault Ste. Marie, Michigan (Municipal Airport), and Sault Ste. Marie (Ontario, Canada) which fall within United States airspace authority will be cancelled and simultaneously replaced with new airspace which reflects the current requirement. The airspace herein designated will insure that the instrument procedures will be contained within controlled airspace. In addition, aeronautical maps and charts will reflect the areas of instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–27, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. 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 rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition areas airspace, and is considering an amendment to Subpart F of Part 71 to alter the control zones near Sault Ste. Marie, Michigan. Subparts G and F of Part 71 were published in the **Federal Register** on January 2, 1979 (44 FR 353 and 44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend §§71.171 and 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following transition areas are amended to read:

Sault Ste. Marie, Mich.

That airspace extending upward from 700 feet above the surface within 8.5 statute miles of the Chippewa County Airport (latitude 46°14′52″, longitude 84°28′15″ estimated).

Sault Ste Marie, Ontario, Canada

Over the United States, that airspace extending 700 feet above the surface within 8.5 statute miles of the Sault Ste Marie, Ontario Airport; (latitude 46°29′ N., longtitude 84°31′ W. estimated); and within 1.75 statute miles each side of 297° (T) bearing from the geographical center extending from the 8.5 statute miles radius to 12 statute miles northwest.

In § 71.171 (44 FR 353) the following control zones are amended to read:

Sault Ste. Marie, Mich.

Within a 5 statute mile radius of the Chippewa County International Airport (latitude 46°14′52″, longitude 84°28′15″ estimated). This zone effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Sault Ste. Marie Ontario, Canada

Over the United States, within a 5 statute mile radius of the Sault Ste. Marie, Ontario Airport (latitude 46°29′ N., longitude 84°31′ W. estimated) and within 1.75 statute miles north of the 108° (T) bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 5.5 statute miles southeast, and within 1.75 statute miles each side of the 118° (T) bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 11 statute miles southeast, and within 1.75 statute miles each side of 293° (T) bearing from the geographical center of the airport extending from the 5 statute miles radius zone 5.5 statute miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61)).

The Federal Aviation Adminstration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–27, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79–22001 Filed 7–18–79; 8:45 am]

BILLING CODES 4910–13–M

[14 CFR Part 71]

[Airspace Docket No. 79–GL–32]

Proposed Cancellation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to cancel controlled airspace near Homer, Illinois which was designated in an earlier Docket 77–GL–27, to accommodate a planned Non-Directional Radio Beacon (NDB) instrument approach procedure into the Homer Airport. Airport officials now advise that the radio aid which was to support this approach and which has been in various stages of planning and installation will now be abandoned. Therefore the 700 foot transition area

airspace is not required, and must be returned for other use.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–32, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The existing 700 foot transition area previously designed in 1977 is cancelled and the floor of controlled airspace in this area will be raised from 700 feet to 1200 feet above the surface. In addition aeronautical maps and charts will be changed to reflect this change.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–32, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before Augues 17, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be abailable, 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 proposal rulemaking (NPRM) by submitting a request to the Federal Aviation Administration Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Homer, Illinois. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following transition area is cancelled:

Homer, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Homer Airport (latitude 40°01'35"N., longitude 87°57'10"W); and within 3 miles each side of the 151° bearing from the Homer Airport, extending from the 5-mile radius area to 8.5 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–32, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region

[FR Doc. 79–22002 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 71]

[Airspace Docket No. 79–GL–41]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Flora, Illinois to accommodate a new Non-Directional Radio Beacon (NDB) Runway 21 instrument approach into Flora Municipal Airport, Flora, Illinois established on the basis of a request from the Flora Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 17, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–41, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–41, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 17, 1979, will be considered before action is taken on the proposed amendment. 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 rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controled airspace transition area near Flora, Illinois. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following addition should be made to the existing transition area:

Flora, Ill.

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Flora Municipal Airport (FOA) (latitude 38°39′55″N., longitude 88°27′10″W.), and within 3 miles each side of the 042° bearing from the FOA NDB, extending from the 5-mile radius to 8 miles NE of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61.))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administation, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–41, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on July 2, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79–22003 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Parts 71 and 75]

[Airspace Docket No. 79–EA–10]

Alteration of Airways and Jet Routes at Front Royal, VA.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V–3, V–4, V–39,V–92, V–143,V–174 Airways and J–6, J–30, J–109, J–134, J–162 Jet Routes as a result of the requirement to relocate the Front Royal VORTAC a distance less than 5 miles, and rename it Shawnee. This relocation is caused by the inability of FAA to renew the land lease at the present location.

DATE: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 79–EA–12, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT–230) Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons 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 Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1979, will be considered before action is taken on the proposed amendment. 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 rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons 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 amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) that would realign V–3, V–4, V–39, V–92, V–143, V–174 Airways and J–6, J–30 and J–109 Jet Routes via the direct radials of Shawnee rather than Front Royal. It is also proposed to realign J–134 from Falmouth, Ky., via Henderson, W. Va.; INT of the Henderson 083°T (086°M) and Shawnee, Va., 262 T (270°M) radials (to overlie Elkins, W. Va.,) then to Shawnee. And to use the Shawnee 281°T (289°M) radial in the description of J–162 so that it will continue to overlie the GRAFF INT southeast of Bellaire, Ohio. Inability of the FAA to renew the land lease at the site of the Front Royal VOR is the reason for relocating the VOR the airways and jet routes. Restricted area R–6705 at Juan de Fuca, Wash., has been revoked. For this reason there is no longer a requirement to exclude it from the description of V–4 Airway.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123, § 71.203, § 71.207 of Part 71 and further amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75 as republished (44 FR 307, 637, 645, 722), and amend (44 FR 23208) as follows:

Under § 71.123—

In V–3 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–4 "Front Royal" is deleted and "Shawnee" is substituted therefor.

Also all after "Armel, Va." is deleted.

In V–39 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–92 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–143 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In V–174 "Front Royal" is deleted and "Shawnee" is substituted therefor.

Under § 71.203— "Front Royal, Va." is deleted and "Shawnee, Va." is added.

Under § 71.207 "Front Royal, Va." is deleted and "Shawnee, Va." is added.

Under § 75.100—

In Jet Route No. 6 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In Jet Route No. 30 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In Jet Route No. 109 "Front Royal" is deleted and "Shawnee" is substituted therefor.

In Jet Route No. 134 all after "Falmouth, Ky.;" is deleted and "Henderson, W. Va.; INT Henderson 083° and Shawnee, Va., 262° radials; to Shawnee." is substituted therefor.

In Jet Route No. 162 all after "Bellair 142°" is deleted and "Shawnee, Va. 281° radials; to Shawnee." is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), 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 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 Washington, D.C., on July 10, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79–21995 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 73]

[Airspace Docket No. 79–GL–2]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter restricted area R–3404, Crane, Ind., by (1) increasing the restricted area ceiling from 1,800 feet MSL to 2,500 feet MSL, (2) changing the controlling agency to Federal Aviation Administration, Indianapolis Air Route Traffic Control Center (ARTCC) and (3) reducing the time of designation. This action is necessary because recently developed technical data indicate that fragments from demolition activities could reach an altitude above the current restricted area ceiling.

DATES: Comments must be received on or before August 20, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 79–GL–2, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenuce, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. John Watterson, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons 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, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois. All communications received on or before August 20, 1979, will be considered before action is taken on the proposed amendment. 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 rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons 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 § 73.34 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter restricted area R–3404, Crane, Ind., by increasing the ceiling from 1,800 feet MSL to 2,500 feet MSL and changing the controlling agency to Indianapolis ARTCC because of ATC considerations. Additionally, the time of designation would be reduced to summer months with NOTAM provisions for other times. Increasing the ceiling of the restricted area is necessary because recently developed technical data indicates that fragments from demolition activities at the Crane Naval Weapons Support Center could pose a hazard to aircraft up to an altitude of 2,300 feet MSL. This type demolition has been suspended pending a determination on this proposal. The reduced time of designation would restore airspace to public use a greater portion of the year.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.34 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 691) as follows:

Under R–3404, Crane, Ind.

1. Designated Altitudes. "1,800 feet MSL." is deleted and "2,500 feet MSL." is substituted therefor.

2. Controlling Agency. "Terre Haute Flight Service Station." is deleted and "Indianapolis ARTC Center." is substituted therefor.

3. Time of Designation. "Sunrise to sunset." is deleted and "Sunrise to sunset daily from May 1 through and including November 1. Other times by NOTAM 24 hours in advance." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), 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 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 Washington, D.C., on July 13, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-22312 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Ch. I]

[Docket Nos. RM78-7, etc.]

Termination of Various Proposed Rulemaking Proceedings; Final Order

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final order.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has issued the order herein to terminate all proceedings relating to Docket Nos. RM78-7, RM78-8, RM78-14, RM77-12, RM77-13, RM77-16, RM77-23, RM75-7, RM75-12, RM75-19, RM75-20, RM74-17, and R-417. The majority of these proposals have been obviated by various sections of the Natural Gas Policy Act of 1978. The others have been superseded by delegations or other various sections of the Department of Energy Organization Act or the Public Utility Regulatory Policies Act of 1978.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Clarence Burris, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8106, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-0422

SUPPLEMENTARY INFORMATION:

July 12, 1979.

Termination of various proposed rulemaking proceedings, Docket Nos. RM78-7, RM78-8, RM78-14, RM77-12, RM77-13, RM77-16, RM77-23, RM75-7, RM75-12, RM75-19, RM75-20, RM74-17, and R-417.

The Federal Energy Regulatory Commission (Commission) [1] hereby gives notice that for the reasons stated below, the above-captioned proposed rulemakings should not be promulgated. Therefore, all proceedings relating to their implementation are terminated.

Summary of Terminated Rulemaking Proceedings

(1) Proposed Exemptions for Temporary Sale, Delivery or Transportation Arrangements of Natural Gas From Certificate Requirements—(RM78-7)

RM78-7 was initiated in order to consolidate and modify the previously existing regulations regarding 60-day emergency natural gas purchases. As originally contemplated, RM78-7 would have redefined the transportation and sale in interstate commerce of exempted emergency natural gas sales.

The procedural history of Docket No. RM78-7 is as follows:

(1) A Request for Comments was issued April 14, 1978. A number of issues were raised by the Commission so that the Notice of Proposed Rulemaking in this proceeding could reflect, to the maximum extent possible, the views of interested members of the public. Comments were received and evaluated.

(2) A Notice of Proposed Rulemaking was issued on August 14, 1978. Further comments were requested, received, and evaluated as a result of the notice.

Interim Regulations Implementing the Natural Gas Policy Act of 1978 (Pub. L. No. 95-621) (NGPA) (RM79-3) were issued by the Commission on November 29, 1978 (effective December 1, 1978). Because of the NGPA, the Commission utilized a different approach for emergency sales of natural gas. Specifically, 18 CFR 157.45 to 157.53 were included in the interim regulations which addressed emergency purchases of natural gas.

Since RM79-3 addressed questions and implemented a rule that RM78-7 was designed to implement, there is no need to continue proceedings relating to RM78-7.

(2) Disposal of Interests in Lands Within Licensed Projects—(R-417)

R-417 was originally proposed in order to simplify Commission procedures for the conveyance of lands within the boundaries of licensed hydroelectric power projects. A key element of the proposal was the Commission's intention that such transactions be conducted in accord with sound environmental management principles.

Accordingly, it was proposed that authority to pass upon applications of transfer that were characterized as routine should be delegated to the Secretary of the Commission. All other applications, including those transfers having a possible significant environmental impact, were to be decided by the Commission.

The expected benefits of this approach were twofold: the transfer process in most cases would be expedited, and the Commission would be free to spend its time considering more important matters.

The procedural history of R-417 is as follows: (1) A Notice of Proposed Rulemaking was issued on April 7, 1971. Comments were received and evaluated.

(2) A Renotice of Proposed Rulemaking and Request for Comments was issued on August 3, 1973. In response to issues raised by the preliminary comments, the Commission issued a revised version of the proposal. This second version proposed to eliminate any delegations of authority regarding transfer of project lands to the Secretary. It also set down specific guidelines regarding filing schedules. Further comments were received and evaluated. No rulemaking was issued.

On November 7, 1974, a letter from the chief, Bureau of Power (since October 1977, the Director of the Office of Electric Power Regulation) was sent to all licensees explaining the policy of the Commission regarding transfer of project lands.

On August 14, 1978, the Commission issued RM78-19, Delegation of the Commission's Authority to Various Staff Office Directors. The authority to pass upon applications to convey project lands was delegated to the Director of the Office of Electric Power Regulation under 18 CFR 3.5(g)(4).

The delegation contemplated in R-417 has been dealt with by RM78-19. There is no longer any rationale for further consideration of Docket No. R-417 by the Commission. Therefore, all proceedings relating to R-417 are terminated.

[1] The term "Commission" when used in the context of action taken prior to October 1, 1977, refers to the Federal Power Commission; when used otherwise, the reference is to the Federal Energy Regulatory Commission.

(3) Revision of §§ 2.56(a), 154.94 and 260.6 of Title 18, Code of Federal Regulations, To Eliminate Certain Rate Change Filing Requirements—(RM78–14)

RM78–14 was initiated in order to substitute a single filing for what had previously been a series of filings. Specifically, § 2.56(a) and § 154.94 were to be amended in order to provide alternative rate change filing requirements with respect to periodic rate escalations and certain tax adjustments.

Rather than require procedures to file each time a rate was to escalate, RM78–14 would have allowed a one-time filing in affidavit form to collect rate and tax escalations, provided that they were within the terms of the applicable contracts for the sale of the natural gas.

The proposal also included changes in the annual reporting requirements of Form No. 108, to bring the entire reporting and filing scheme into harmony.

The purpose of these amendments was to eliminate a flood of filings which were no longer considered necessary to the Commission's purpose of setting just and reasonable rates for the sale of natural gas.

The procedural history of RM78–14 is as follows: (1) A Notice of Proposed Rulemaking was issued on June 9, 1978.

The Commission issued a Notice of Proposed Rulemaking, requesting comments on the proposal. Comments were received and reviewed.

Taking into account the comments received, a final regulation was drafted for Commission consideration on September 19, 1978.

(2) The Passage of NPGA and the Interim Regulations promulgated thereunder by the Commission on December 1, 1978, established a pricing scheme for natural gas that in many respects superceded the system under the Natural Gas Act. Sections 104(b)(1)(A), and 106(a) of the NGPA were among the primary pricing sections for producers of natural gas committed or dedicated to interstate commerce. Because the Commission believed that monthly filings for such procedures were no longer necessary, the Interim Regulations provided a blanket affidavit filing procedure to alleviate the reporting burden placed on such producers, so that quarterly and monthly filings for routine price escalators were no longer required.

Since RM79–3 addresses the questions contemplated in RM78–14, RM78–14 should be terminated.

(4) Exemption From Certificate Regulations of Certain Sales of Natural Gas Flared Prior to Coal Mining Operations—(RM77–23)

RM77–23 was originally prepared to stimulate the sale of natural gas produced as a by-product of coal mining operations. By exempting such gas from Commission certification procedures, the producer would have had an incentive to sell, rather than flare gas. The proposal would have explicitly exempted methane produced as a by-product of a coal mining operation from any rate requirements established by the Commission for the sale of natural gas in interstate commerce.

The procedural history of Docket No. RM77–23 is as follows: (1) A Notice of Proposed Rulemaking was issued on September 7, 1977.

(2) Comments were received by September 7, 1977, and were evaluated.

(3) Section 107 of the NGPA now prescribes the rates to be charged for natural gas of this type. Section 601(a)(1)(A) of the NGPA exempts such gas from any certificate requirements imposed by the Natural Gas Act.

Since the rulemaking has been superceded by the NGPA the need for RM77–23 has been obviated.

(5) Optional Procedures for Certifying Producer Sales—(RM78–8)

This proceeding was initiated by a petition from the New York Public Service Commission on April 20, 1978, requesting that the Commission terminate 18 CFR § 2.75 relating to optional certificate procedures for gas producers.

Although characterized and docketed as a rulemaking, the petition has never given rise to a Notice of Proposed Rulemaking or any similar Commission proceeding. Section 2.75 provides gas producers the opportunity to obtain a higher rate than the national rate for new gas reserves not already dedicated to the interstate market or form a well commenced on or after April 6, 1972.

The provisons of § 2.75 have been effectively superseded by §§ 104(b)(2) and 106(c) of the NGPA.

Therefore, all proceedings relating to RM78–8 should be terminated.

(6) Natural Gas Rates for the State of Alaska—(RM77–16)

RM77–16 was initiated as a result of a petition filed by the Atlantic Richfield Company (ARCO) requesting clarification of Commission policy regarding rates to be charged for natural gas produced in the State of Alaska.

Arguing that a need for economic and regulatory certainty is necessary for natural gas companies to maintain a coherent production policy, ARCO and supporting petitioners, including the State of Alaska, requested that the Commission set the rate for Alaskan gas at the highest national rate for jurisdictional sales applicable to "new" natural gas under the Natural Gas Act.

The procedural history of RM77–16 is as follows: (1) ARCO filed a petition requesting a proceeding to set a price for Alaskan Gas. ARCO's request for a definitive exposition of Commission policy regarding the price of Alaskan gas was only the first among many such requests. Major producers, pipelines and the State of Alaska supported ARCO in its request. During the weeks immediately following March 31, 1977, the Commission received the remainder of the supporting petitions.

(2) Section 109(a)(4) of the NGPA provides for the computation of a maximum lawful price for natural gas produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transporation system approved under the Alaska Natural Gas Transportation Act of 1976.

The issue raised by ARCO has been resolved by the provisions of the NGPA and the implementing regulations promulgated by the Commission. Specifically, 18 CFR 271.902 sets the maximum lawful price for natural gas produced in the Prudhoe Bay Unit of Alaska.

Therefore, proceedings relating to RM77–16 should be terminated.

(7) National Rates for Natural Gas—(RM77–13)

RM77–13 was initiated in order to establish prospective national rates for gas produced from wells which were commenced on or after January 1, 1977, for the two year period from January 1, 1977, to December 30, 1978. The proceeding was commenced so that interested persons could provide the Commission with relevant information regarding the proper basis for the setting of such rates. No specific rate structure was proposed by the Commission at that time.

The procedural history of RM77–13 is as follows: (1) An Order Instituting the Proceeding was issued on March 1, 1977. The deadline for submissions of proposed rate structures was set for August 1, 1977. Comments on all filed proposed rate structures were due on October 1, 1977.

(2) A Notice of Extension of Time was issued on July 12, 1977. The Commission received a variety of requests from

interested parties to extend the original deadlines for submissions in the rate proceeding. As a result of such requests, the time for filing proposed rate structures was extended to October 3, 1977. December 5, 1977 was set as the date by which all comments on such filings were due.

(3) A Notice of Further Extension of Time was issued on September 30, 1977. As a result of the then pending National Energy Act, and the concomitant reorganization of the FPC as the FERC, the Commission "extended and postponed for an indefinite period of time"[2] all proceedings relating to RM77–13.

(4) The NGPA provides for the rate structures that were under consideration in RM77–13. A detailed pricing mechanism for natural gas is an integral component of the legislation. Therefore, it is in the public interest that all proceedings relating to RM77–13 be terminated.

(8) End-Use Rate Schedules—(RM75–19).

RM75–19 was initiated in order to establish "end-use" rate design methods for determining rates for wholesale sales for resale of natural gas in interstate commerce. Pipeline rate schedules and contracts would be required to be filed based on the use of the gas (*i.e.*, industrial, or nonindustrial). An amendment of 18 CFR 154.38 would be necessary to accomplish this goal.

The procedural history of RM75–19 is as follows: (1) A Notice of Proposed Rulemaking with request for comments was issued on February 20, 1975. Comments were requested to be filed no later than April 30, 1975.

(2) A Notice was issued on April 18, 1975 establishing the time to respond to comments. May 21, 1975 was set as the deadline for filing reply comments to the initial filings. The Commission received several motions for extensions of time in which to file replies.

(3) A Notice was issued extending the time for filing initial comments until June 2, 1975. The deadline for reply comments was extended to June 23, 1975. More than 200 filings were received.

(4) A Notice of Further Extension of Time was issued on May 30, 1975. The time for filing initial comments was further extended until June 19, 1975. Reply comments were due by July 2, 1975.

A series of filings were received as a result of the May 30 Notice. Requests for waivers of certain rules of participation, initial comments, reply comments, motions for further extensions of time and impact statements were received by the Commission. The Docket has been inactive since August of 1975.

RM75–19 predates the enactment of the NGPA. The rate structure proposed in RM75–19 is superseded by the pricing provisions of the NGPA.

Title II of the NGPA mandates an incremental pricing scheme that in many respects obviates the need for further consideration of RM75–19. Any information that might have been gathered under RM75–19 to effectuate the substantive purpose of the rule is now permitted to be gathered by section 603 of the NGPA. A fresh approach to such a task is considered the most efficient method of fulfilling the statutory mandate of the National Energy Act.

Therefore, RM75–19 should be terminated.

(9) Amendments to Schedule Pages 104 and 105 of Annual Report Forms No. 1 and No. 2 To Extend Reporting of Business Interests and Securities Held by Company Officers and Directors—(RM75–7)

RM75–7 was inititated as a result of a Congressional intention that a more extensive and comprehensive reporting requirement be imposed on officers and directors of electric utilities and natural gas companies. The rulemaking would require that annual reports of jurisdictional companies contain a statement disclosing any such "outside" officership or directorships of officers or directors of a public utility. The primary business of any "outside" company must be disclosed. If an officer or director maintains a 10 percent controlling interest in the common stock of another company, that fact would be required to be disclosed. The means of control of such stock, the primary business of such "outside" company, and the nature and extent of transactions between the reporting company and the "outside" company would also be required to be filed. In short, no hidden interlocking officerships or directorships would be tolerated.

The procedural history of RM75–7 is as follows: (1) A Request was received from Senator Metcalf dated April 29, 1974, to Chairman Nassikas to undertake a Rulemaking to Effectuate Corporate Disclosure.

(2) A Notice of Proposed Rulemaking was issued by the Commission on August 29, 1974.

(3) Comments were received by October 15, 1974. A final rule was drafted for Commission approval on November 6, 1975. There has been no action on RM75–7 since that time.

The proposal predates the Department of Energy Organization Act (DOE Act)[3] and its provisions for Commission access to "existing information in the possession of "[a] * * * Federal agency," (section 407(a)), and for the establishment of the Energy Information Administration (EIA).

The EIA was established to "collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statitistical information, or which is relevant to the adequacy of energy resources * * *." (DOE Act, section 205(a)(2)). While this mandate is somewhat limited, it nonetheless may provide for some of the information requested under proposed RM75–5. EIA information is available to the Commission under section 407(a) of the DOE Act.

The proposal also predates the specific provisions of section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[4]

Section 211 of PURPA ("Interlocking Directorates") requires the filing of a written statement with the Commission by an officer or director of an electric utility of positions held in certain specified entities. Included in these entities are investment companies, underwriters, producers and suppliers of electric equipment and major purchasers of electric power. These filings are to commence no earlier than April 30, 1980. Under the terms of PURPA, the Commission must promulgate rules as to the form and manner of such filings. Given the express mandate of PURPA, RM75–7 would have to be revised and reissued.

The Commission has decided that a majority of the information it requires is available through those sources indicated and that the burden on reporting entities of providing additional information would outweigh the benefit of the Commission in compiling it.

Therefore, proceedings relating to RM75–7 should be terminated.

(10) Amendments to Schedule Pages 106, 219, and 221 of FPC Annual Report Forms No. 1 and No. 2 To Extend Reporting of Security Holders and Voting Power Disclosure and Debt-holder Disclosure—(RM74–17).

RM74–17 was initiated to augment certain reporting requirements imposed on companies subject to Commission

[2] Commission Notice of Further Extension of Time, September 30, 1977.

[3] 42 U.S.C. 7107 *et seq.*

[4] Pub. L. No. 95–617.

jurisdiction. Specifically, Forms No. 1 and No. 2 were to be amended so that jurisdictional natural gas and electric companies would be required to:

(a) List their top 30 security holders, rather than the top 10, as is currently required;

(b) Report stockholders by institutional or individual name rather than "street" name;

(c) Disclose the identity of any holders of more than 5 percent of debt, or $500,000, whichever is less; and

(d) Report the name and address of any holder of a note payable to associated companies.

The procedural history of RM74–17 is as follows: (1) A Notice of Proposed Rulemaking was issued on April 19, 1974. Substitute attachments were issued by the Commission to correct errors, ommissions and illegible sections in the previous notice.

(2) A Notice of Extension of Time was issued on May 29, 1975. The filing deadline for comments was set for July 2, 1974.

(3) A final rulemaking was placed on the Commission Agenda on October 29, 1975.

(4) The rulemaking was postponed indefinitely by the Commission on December 3, 1975. Under the provision of the Public Utility Holding Company Act of 1935 (the Act), the SEC has authority to require public utility holding company statements, reports, and records relating to security interests of officers and directors, (15 U.S.C. 79g); intercompany transactions, (15 U.S.C. 79(1)); and the acquisition of assets and securities, (15 U.S.C. 79i). Under this Act, a public utility holding company is defined as a "company which directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company * * *." (15 U.S.C. 79b(a)(7)(A)) or "any person" which the Commission determines as holding a "controlling influence over the management or policies of any public utility or holding company" (15 U.S.C. 79b(a)(7)(B)). "Public Utility" as used in the Act encompasses electric utility companies and those gas utility companies which own or operate facilities used for retail distribution of natural or manufactured gas (15 U.S.C. 79b(a)(3), (4)). It would appear then that the Commission could obtain much of the information sought under RM74–17 through recourse to section 407(a) of the DOE Act.

The EIA was established to "collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources * * *." DOE Act, section 205(a)(2). While this mandate is somewhat limited, it nonetheless may provide for some of the information needed under RM74–17. As with information gathered by the SEC, EIA information would be available to the Commission under section 407(a) of the DOE Act.

On balance, the burden placed on reporting entities outweighs the benefit to the Commission in compiling this information. Therefore, it is in the public interest that all proceedings relating to RM74–17 be terminated.

(11) Revisions to FPC Annual Report Forms No. 1 and No. 2 To Obtain Future Financing Requirements—(RM75–12)

RM75–12 was initiated to increase the period of time for which reports must be made by jurisdictional electric utilities and natural gas companies. Specifically, they would be required to report estimated future financing requirements for a five year period. As a result, the Commission would have a somewhat more comprehensive overview of the prospective financial needs of such companies, and would be more able to "give proper consideration to regulatory action which may be required to facilitate the acquisition of capital needed by utilities to maintain adequate and reliable services to their customers and to the Nation." [5]

The procedural history of RM75–12 is as follows: (1) A Notice of Proposed Rulemaking was issued on November 6, 1974. Comments were requested to be filed no later than December 23, 1974.

(2) A Notice of Extension of Time was issued on December 19, 1974. The due date for comments was extended until February 21, 1975.

(3) A Final Rulemaking was drafted on July 3, 1975. The Commission took no action on the rulemaking. The docket has been inactive since July, 1975.

The proposal surfaced at a time when there was concern about the ability of utilities to raise necessary capital.[6] The proposal predates the DOE Act and its provisions for Commission access to "existing information in the possession of "[a] * * * Federal agency," (section 407(a)) and for the establishment of the EIA. The proposal also predates the information-gathering powers of the Commission under section 508(b) of the NGPA.

The EIA was established to "Collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, damand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources * * *." (DOE Act, section 205(a)(2) While this mandate is somewhat limited, it nontheless may provide for some of the information requested under RM75–12. As with information gathered by the SEC, EIA information would be available to the Commission under section 407(a) of the DOE Act.

With respect to the natural gas industry, there is some question as to the availability of the information sought. A five year financial forecasting horizon for this industry may be difficult, if not impossible, given current accepted industry practice.

If, in the future, the Commission deems it necessary to collect the type of data sought under RM75–12, a new rulemaking proceeding based upon more current statutory authority would be advisable.

Therefore, it is in the public interest that all proceedings relating to RM75–12 be terminated.

(12) Revisions of Certain Schedule Pages of FPC Annual Report Forms No. 1 and No. 2 To Obtain Additional Information on Non-Utility Affiliates—(RM75–20)

RM75–20 was initiated so that reporting schedules required to be filed by jurisdictional natural gas and electric utility companies would be amended to require:

(1) Disclosure of certain information relating to any direct or indirect control of a regulated company over a subsidiary; and

(2) Disclosure of intercompany transactions within a corporate group when a regulated company is itself a subsidiary of a larger entity.

The procedural history of RM75–20 is as follows: (1) A Notice of Proposed Rulemaking was issued on February 25, 1975. Comments were required to be filed by April 11, 1975.

(2) Notice of Extension of Time to file comments was issued on April 7, 1975. Responding to a petition of the American Gas Association, the Commission extended the due date for comments until June 9, 1975.

(3) A final rulemaking was drafted for Commission consideration on September 15, 1975. The Commission took no action on the final rule. On

[5] Notice of Proposed Rulemaking, page 2.

[6] FPC Office of Accounting and Finance, Study of the Electric Utility Industry, September 11, 1974.

February 25, 1976, action was postponed indefinitely.

The proposal surfaced at a time when there was concern as to who controlled public utilities and the availability of information respecting that control. As drafted, it rested upon the presumption that the then existing information gathering authority of the Commission reached the information described and that this information was available to those reporting to the Commission. The proposal also predates the DOE Act and its provisions for Commission access to "existing information in the possession of [a] * * * Federal agency," (section 407(a)) and for the establishment of the EIA. The proposal also predates the Commission's power to gather information under section 508(b) of the NGPA. Moreover, the proposal does not consider the availability of data from the SEC.

Under provisions of the Public Utility Holding Company Act of 1935, the SEC has broad authority to require public utility holding company statements, reports, and records relating the intercompany transactions, (15 U.S.C. 79(1)); and the acquisition of assets and securities, (15 U.S.C. 79i). Under this Act, a public utility holding company is defined as a "company which directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company * * *." 15 U.S.C. 79b(a)(7)(A); or "any person" which the Commissin determines as holding a "controlling influence over the management or policies of any public utility or holding company." (15 U.S.C. 79b(a)(7)(B)). "Public utility" as used in the Act encompasses electric utility companies and those gas utility companies which own or operate facilities used for retail distribution of natural or manufactured gas. (15 U.S.C. § 79b(a)(3), (4)). It would appear then that the Commission could obtain much of the information sought under RM75–20 through recourse to section 407(a) of the DOE Act.

The EIA was established to "collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources * * *." (DOE Act section 205(a)(2)). While this mandate is somewhat limited, it nonetheless may provide for some of the information requested under RM75–20. As with information gathered by the SEC, EIA information would be available to the Commission under section 407(a) of the DOE Act.

With respect to the natural gas industry in particular, the proposed rulemaking may be redundant. Only very few companies in that industry would be involved and current filing requirements capture necessary information as to affiliations. Therefore, it is in the public interest that all proceedings relating to RM75–20 be terminated.

(13) Request by Shell Oil Co. for a Notice of Proposed Rulemaking To Establish an Interim Rate for Sales of Natural Gas During the 1977–78 Biennium—(RM77–12)

RM77–12 was initiated as a result of a petition filed by the Shell Oil Company for a Notice of Proposed Rulemaking to set an interim rate for the 1977–78 Biennium. The petition requested that a prospective rate be set by the Commission based on the 1977–78 intrastate contract prices. Economic certainty and competitive pressures were both cited as reasons for Commission action.

The Commission opened RM77–12, and received several supporting petitions of other natural gas producers. No other action has been taken.

Provisions of the NGPA have superseded any need for the Commission to act on this matter.

Natural gas pricing provisions of the NGPA, and the implementing regulations promulgated by the Commission (RM79–3), have effectively rendered the Shell petition moot. Therefore, all proceedings relating to RM77–12 should be terminated.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22265 Filed 7–18–79; 8:45 am]

BILLING DATE 6450–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[23 CFR Part 1217]

[Docket No. 79–11; Notice 1]

Highway Safety Program; Innovative Project Grants

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

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The National Highway Traffic Safety Administration is seeking to implement the highway safety innovative grant program under the Surface Transportation Act of 1978, P.L. 95–599, 92 Stat. 2689. This innovative grant program is hoped to provide a true incentive to potential recipients to employ their energy and imagination in the pursuit of highway safety.

DATE: Closing date for comments: October 1, 1979.

ADDRESS: Comments should refer to the docket number and be submitted to: NHTSA, Docket No. 79–11, Room 5108, Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Charles F. Livingston, Office of Driver and Pedestrian Programs, Traffic Safety Programs, NHTSA, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4932.

SUPPLEMENTARY INFORMATION: Section 208 of the Surface Transportation Assistance Act of 1978 added a new section 407 to Title 23, United States Code, authorizing the Secretary of Transportation to make grants to States, their political subdivisions and nonprofit organizations which develop innovative approaches in the area of highway safety. The new grants had been recommended by the Secretary of Transportation in a 1977 report to Congress as the best alternative to the old system of awarding incentive grants to States that reduce their fatality rate or the number of fatalities.

The innovative grant program is expected to provide a true incentive to potential recipients to employ their energy and imagination in the pursuit of highway safety. Although no funds have yet been appropriated for the innovative grant program, NHTSA in consultation with FHWA is proceeding to develop the policies and procedures needed for the implementation of the innovative grant program so that the administrative machinery will be in place when funds are made available.

As the first step of this process, NHTSA is seeking comments on all aspects of innovation in highway safety that might be served by the innovative grant process.

Commenters are urged to address the types of projects where innovative approaches are possible, and the criteria to be used in screening and selecting among innovative project proposals. For example, a proposal would typically consist of three phases: design, operation and evaluation. In ranking the proposals, should the reviewers stress evaluation, which may be very lengthy, over operational innovation? What

value should they ascribe to innovative design whose operation is predicated on the passage of enabling laws or ordinances or on the realignment of basic governmental functions?

Comments are also requested on a means of ensuring that all jurisdictions and groups have an opportunity to compete for available funds, and the ways of ensuring the innovative projects are effectively monitored and evaluated.

NHTSA is seeking proposals for the Innovative Project Grant program on a broad spectrum of highway safety topics and proposals from a wide range of State and local agencies and nonprofit organizations. The agency intends to establish a process that will assure fairness to all proposers in the solicitation, review, and evaluation of proposals so that the projects selected for award will best reflect the principles of the Innovative Project Grant program enacted by Congress.

In particular, the agency seeks comment on a procedure under which it would solicit proposals on an annual basis and employ a panel of State users, private safety sector representatives, and researchers to screen and rank the proposals according to predetermined criteria. The results of the screening would be used by NHTSA to nominate candidate projects for selection and award by the NHTSA Administrator according to the funding availability.

All comments received before the comment closing date above will be considered in the development of a Notice of Proposed Rulemaking, specifying the procedures to be used in the innovative grant process. The NPRM will propose the addition of a new Part 1217, Innovative Project Grants, to Title 23, Code of Federal Regulations.

All comments will be available for examination in the docket at the above address both before and after the comment closing date. To the extent possible, comments filed after the closing date will also be considered. NHTSA will continue to file relevant material, as it becomes available, in the docket after the closing date. It is recommended that interested persons continue to examine the docket for new material.

Issued on July 10, 1979.

Charles F. Livingston,

Acting Associate Administrator for Traffic Safety Programs.

[FR Doc. 79-21966 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

[38 CFR Part 17]

Medical Benefits; Proposed Regulatory Development

AGENCY: Veterans Administration.

ACTION: Proposed Regulations.

SUMMARY: The following changes in VA regulations are proposed in implementing the provisions of the Veterans Omnibus Health Care Act of 1976. Changes in definition of terms were made for: (1) VA facilities, (2) hospital care, (3) medical (outpatient) services, (4) domiciliary care, and (5) rehabilitative services.

Several benefits were added as a result of the legislation. These benefits were: (1) Mental health services to the family of a veteran on outpatient treatment; (2) outpatient dental care within the limits of VA facilities for nonservice-connected veterans on a posthospital care basis; (3) expanded home health services to include certain improvements and structural alterations to the homes of eligible veterans; (4) reduction of the percentage of service-connected disability required to make a veteran eligible for outpatient care for any medical condition; (5) changing of the formula for determining the maximum amount payable by the VA (Veterans Administration) for community nursing home care for veterans; (6) elimination of the requirement for wartime service for entitlement to domiciliary care, State home care and hospitalization in the Manila Veterans Memorial Hospital; (7) provision for a policy on the protection of patient's rights; (8) expansion of the VA's authority to enter into sharing agreements and contracts for scarce medical specialist services; (9) authority to provide outpatient treatment on a humanitarian basis; (10) authority to furnish certain immunizations to veterans who are receiving care; and (11) authority to provide care under CHAMPVA (Civilian Health and Medical Program of the Veterans Administration) for the surviving spouse and children of a veteran who died from a nonservice-connected disability while totally and permanently disabled due to a service-connected disability.

In addition to changes in definitions and increased benefits, some restrictions were imposed: (1) Requiring an affidavit of inability to defray costs of beneficiary travel from certain veterans, and paying for only the least expensive suitable mode of travel; (2) limiting most posthospital outpatient followup for nonservice-connected disabilities to 12 months; and, (3) limiting most outpatient care for nonservice-connected veterans to that which can be furnished at health care facilities under VA jurisdiction. (4) The Veterans Omnibus Health Care Act of 1976 also established a priority system for enrolling eligible veterans in outpatient care programs.

DATES: Comments must be received on or before September 17, 1979. It is proposed to make this change effective October 21, 1979.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

Comments will be available for inspection at the address shown above until September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein, Chief, Policies and Procedures Division, Medical Administration Service, Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-3785).

SUPPLEMENTARY INFORMATION: The following additional information, in the same numerical order and general topic category, is provided as supplemental information to the summary of changes. Definitions: (1) The term "VA facilities" is added as a new definition in VA regulations. The result is a clarification of where veterans can receive medical care and which veterans can be authorized to receive medical care at contract facilities. (2) Hospital care is redefined to include mental health services provided for the immediate family members of the hospitalized veterans. (3) Medical services redefined includes surgical services, dental services, and appliances, clothing in connection with the wearing of prosthetic appliances, and optometric and podiatric services. Medical services also include consultation, counseling, training and mental health services for the members of the family in connection with treatment of a veteran or of a dependent or survivor of a veteran as defined in 38 U.S.C. 613 and transportation and incidental expenses for any person entitled to VA health care benefits under the provisions of § 17.100. (4) Domiciliary care is redefined to delete the wartime service requirement previously contained in the law. (5) A definition of rehabilitative services is also added to VA regulations.

Supplementary information about added benefits is as follows: (1) Authority has been available for furnishing mental health services to certain veterans on an outpatient basis. Authority is now provided for furnishing certain mental health services to members of the family of such veterans. (2) Section 612 of title 38, United States Code, containing authority for furnishing dental services on an outpatient basis, did not include authority for providing such services for nonservice-connected dental conditions. With the implementation of Pub. L. 94–581 authority was provided to complete dental treatment for nonservice-connected disabilities that has been started while the veteran was receiving VA hospital care. (3) Authority to provide home health services was expanded to include authority for furnishing improvements or structural alterations to the homes of eligible veterans that are necessary for the effective and economical treatment of the veteran's disabilities and necessary for the continuation of such treatment or necessary to provide access to the home or to essential lavatory and sanitary facilities. Limitations on monetary amounts for the benefit are specified in these regulations. (4) Authority provided in section 612(f) of title 38, United States Code, to furnish outpatient care for any disability except dental, to any veteran with a service-connected disability rated at 80 percent or more was expanded to include veterans with service-connected disabilities rated at 50 percent or more. (5) The VA is authorized to contract with community nursing homes to provide intermediate and skilled nursing care. Enactment of Pub. L. 94–581 provided authority to increase the allowable payments to community nursing homes by changing the formula for determining the maximum amount from 40 percent to 45 percent of the cost of care furnished in a VA hospital under the direct jurisdiction of the Administrator. (6) Care in State homes, domiciliaries, and in the Veterans Memorial Hospital in Manila has been limited to veterans who served during a wartime period as defined in 38 U.S.C. 101. With this change the requirement for wartime service is eliminated. (7) Although rights of patients have long been recognized as an integral concern in VA facilities, it has not been a requirement of law to provide for a policy on protection of such rights. A policy on protecting patients' rights will be a requirement for each facility with particular importance placed on the informed consent of the patient prior to any surgical procedure. (8) This law gives the Chief Medical Director the expanded authority to enter into sharing agreements, contracts for scarce medical specialist services and contracts for other medical services. Under the authority of 38 U.S.C. 5053 and 38 U.S.C. 213, the sharing program allows greater latitude for the Department of Medicine and Surgery to provide necessary services. (9) Whereas authority to furnish hospital care as a humanitarian service in emergency cases had been previously codified in 38 U.S.C. 611, no authority was provided to furnish outpatient care for such purposes. With enactment of Pub. L. 94–581 authority is now provided to furnish emergency outpatient care as a humanitarian service and to charge for such services. (10) Authority was provided to administer immunizations to veterans receiving authorized care at VA facilities. The immunization must be requested by the veteran, be part of a national immunization program, and the vaccine must be furnished by the Secretary of Health, Education, and Welfare at no cost to the VA. (11) In the initial legislation authorizing the CHAMPVA program, the surviving spouse and children of a veteran were entitled to CHAMPVA benefits if the veteran died as a result of a service-connected disability. Such dependents will now be entitled to CHAMPVA benefits if the deceased veteran had been totally and permanently disabled from a service-connected disability regardless of the cause of death.

Restrictions imposed on the provision of benefits are as follows: (1) Certain nonservice-connected veterans will no longer be entitled to beneficiary travel unless they certify annually their inability to defray the necessary expense of travel. Authority is provided to limit the amount of travel payment or reimbursement to the cost of travel by public transportation unless public transportation is not reasonably accessible or would be medically inadvisable. (2) No specific time limitation had previously been placed on providing posthospital outpatient care for nonservice-connected disabilities. Pub. L. 94–581 limited such posthospital care to a period of 12 months from the date of discharge from in-hospital care, except where the Administrator determines that a longer period of time is required by virtue of the disability being treated. (3) Outpatient care provided to veterans for nonservice-connected disabilities must be provided in a VA facility as defined in 38 U.S.C. 601. (4) A need was recognized for establishing statutory authority for a priority system of providing outpatient care to different categories of veterans and for affording highest priority for those requiring care for service-connected disabilities. Pub. L. 94–581 established special priorities for furnishing outpatient care except when compelling medical reasons require that such care be provided more expeditiously. (5) In addition, the definition of Vietnam veteran is amended to include the termination date of the Vietnam era as established in Pub. L. 94–202.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until September 27, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: July 11, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 17.30, paragraphs (k), (l), (m), (n), (p) and (u) are revised and paragraphs (v) and (w) are added so that the added and revised material reads as follows:

§ 17.30 Definitions.

* * * * *

(k) *Vietnam era.* The term "Vietnam era" means the period beginning August 5, 1964, and ending on May 7, 1975. (38 U.S.C. 101(29))

(l) *Hospital care.* The term "hospital care" includes:

(1) Medical services rendered in the course of hospitalization of any veteran and transportation and incidental expenses pursuant to the provisions of § 17.100.

(2) Such mental health services, consultation, professional counseling, and training for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent

or survivor or a veteran receiving care under the last sentence of section 613(b) of title 38, United States Code; (38 U.S.C. 601(5)) and

(3) (i) Medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of title 38, United States Code, and (ii) transportation and incidental expenses for such dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation. (38 U.S.C. 601(5))

(m) *Medical services.* The term "medical services" includes, in addition to medical examination, treatment, and rehabilitative services:

(1) Surgical services, dental services and appliances as authorized in §§ 17.60(f), 17.120, 17.123 and 17.123a, optometric and podiatric services, and except for veterans authorized outpatient care under § 17.60(e), wheelchairs, artificial limbs, trusses and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as are medically determined to be reasonable and necessary.

(2) Such consultation, professional counseling, training and mental health services as are necessary in connection with the treatment:

(i) Of the service-connected disability of a veteran pursuant to § 17.60 (a) and (b);

(ii) Of the nonservice-connected disability of a veteran where such services were initiated during the veteran's hospitalization and the provision of such services is essential to permit the release of the veteran from inpatient care;

for the members of the immediate family or legal guardian of the veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran or dependent or survivor of a veteran receiving care under § 17.54(c). For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under § 17.54(c) shall be eligible for the same medical services as a veteran.

(3) Transportation and incidental expenses for any person entitled to such benefits under the provisions of § 17.100. (38 U.S.C. 601(6))

(n) *Domiciliary care.* The term "domiciliary care" means the furnishing of a home to a veteran, embracing the furnishing of shelter, food, clothing and other comforts of home, including necessary medical services. The term further includes travel and incidental expenses pursuant to § 17.100.

* * * * *

(p) *Nursing home care.* The term "nursing home care" means the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing or intermediate care and related medical services, if such care and services are prescribed by, or are performed under the general direction of, person duly licensed to provided such care. The term includes intensive care where the nursing service is under the supervision of a registered professional nurse. (38 U.S.C. 101(28), 620(e))

* * * * *

(u) *State home.* The term "State home" means a home established by a State (other than a possession) for veterans disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living. The term also includes a home which furnishes nursing home care for such veterans.

(v) *Rehabilitative services.* The term "rehabilitative services" means such professional counseling, and guidance services and treatment programs (other than those types of vocational rehabilitation services for the purpose of restoring employability) as are necessary to restore to the maximum extent possible the physical, mental, and psychological functioning of an ill or disabled person. (38 U.S.C. 601(8))

(w) *Veterans Administration facilities.* The term "Veterans Administration facilities" means:

(1) Facilities over which the Administrator has direct jurisdiction;

(2) Government facilities for which the Administrator contracts; and

(3) Private facilities for which the Administrator contracts when Government facilities are not capable of furnishing economical care because of geographical inaccessibility or of furnishing the care or services required in order to provide:

(i) Hospital care or medical services to a veteran for the treatment of a service-connected disability or a disability for which a veteran was discharged or released from the active military, naval, or air service, or

(ii) Medical services for veterans released from inpatient care to outpatient treatment status or to any veteran who has a service-connected disability rated at 50 percent or more, or

(iii) Hospital care or medical services for the treatment of medical emergenies which pose a serious threat to the life or health of a veteran receiving hospital care in a facility for which the Administrator has direct jurisdiction or a government facility for which the Administrator contracts.

(iv) Hospital care for women veterans, or

(v) Hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the 48 contiguous states. (38 U.S.C. 601(4))

2. In § 17.31, paragraph (b)(3) is revised to read as follows:

§ 17.31 Duty periods defined.

Definitions of duty periods applicable to eligibility for medical benefits are as follows:

* * * * *

(b) *Active duty.* The term "active duty" means

* * * * *

(3) Full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecesssor organization the Coast and Geodetic Survey (i) on or after July 29, 1945, or (ii) before that date (*a*) while on transfer to one of the Armed Forces, or (*b*) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (*c*) in the Philippine Islands on December 7, 1941, and continously in such islands thereafter. (38 U.S.C. 101(21)(C))

* * * * *

§ 17.32 [Amended]

3. Section 17.32 is amended

(a) By deleting the word "his" and adding the words "his or her" in paragraph (a)(2).

(b) By deleting the words "he", "for him" and "his home" and inserting the words"he or she", "in order" and "to his or her home" in paragraph (c).

§ 17.33 [Amended]

4. Section 17.33 is amended by deleting "his" and inserting "his or her" in paragraph (a).

5. A new center title and § 17.34 are added as follows:

Protection of Patient Rights

§ 17.34 Informed consent.

(a) For the purpose of this section, the term

(1) "Informed consent" means the knowing grant of permission by an

individual or the individual's legally authorized representative, which is freely given without any element of fraud, duress, deceit, or other form of coercion to the administration or performance of a proposed diagnostic or therapeutic procedure or course of treatment.

(2) "Legally authorized representative" means an individual, organization, or other judicially recognized body empowered under the applicable State law to act on behalf of a legally incompetent individual.

(b) Each informed consent shall include documentation of the following:

(1) The name of the individual.

(2) The date the consent is obtained.

(3) the name(s) of the individual(s) immediately responsible for the performance of the procedure or administration of the treatment.

(4) The procedure to be performed or the treatment to be administered, explained in language which is understandable to the average lay person.

(5) Evidence that reasonable and available alternatives to the proposed treatment or procedure, together with recognized risks of the treatment or procedure and alternatives, were discussed with the individual in language understandable to the average lay person.

(6) An offer to answer inquiries concerning the procedure or treatment.

(7) A clear indication that the individual or the individual's legally authorized representative may withdraw consent at any time without prejudice to the individual.

(8) An authorization for the disposition of any tissue, organ, or body parts.

(9) The signatures of the individual or the individual's legally authorized representative and the person who obtained the consent.

(c) If a proposed course of treatment or procedure involves approved medical research in whole or in part, the individual shall be advised of this. Informed consent shall be obtained specifically for the administration or performance of that aspect of the treatment or procedure which is identified as involving such research. This consent shall be in addition to the consent to be obtained for the administration or performance of the nonresearch aspect of the treatment or procedure and it shall contain the various elements set forth in paragraph (b) of this section.

(d) The Chief Medical Director will establish an appropriate method for the periodic review of patients' consents in order to insure compliance with this section and other regulations and to maintain the protection of the patients' rights. (38 U.S.C. 4131)

§ 17.36 [Amended]

6. Section 17.36 is amended by deleting the word "his" and inserting the words "his or her" in paragraph (b)(1).

§ 17.37 [Amended]

7. Section 17.37 is amended.

(a) By deleting the word "He" and inserting the words "The veteran" in paragraphs (a) and (b).

(b) By deleting "(2) he is suffering from leprosy, or" and inserting "(2) the veteran is suffering from Hansen's disease, or" in paragraph (b).

8. Section 17.38 is amended as follows:

(a) By deleting the word "He" and inserting the words "The veteran" in paragraph (a)(1) and (2) and inserting "a" preceding the word "non-service-connected" in paragraph (a)(2).

(b) By deleting the word "He" and inserting the words "He or she" in paragraph (b)(1) and (2) and deleting the word "he" following "1946" and following the word "and" in paragraph (b)(2).

(c) By revising paragraph (c)(2) to read as follows:

§ 17.38 Hospital or nursing home care at Veterans Memorial Hospital, Philippines.

* * * * *

(c) *For United States veterans.* * * *

(2) Care at the Veterans Memorial Hospital may be authorized for a veteran for a nonservice-connected disability if such veteran is unable to defray the expenses of necessary hospital care and so states under oath. (38 U.S.C. 624(c)).

* * * * *

9. Section 17.47 is amended as follows:

(a) By deleting ", by his personal efforts," and by deleting "station" and inserting "facility" in paragraph (c)(3)(vii).

(b) By deleting "desires" and inserting "or her desire" and deleting "station" and inserting "facility" in paragraph (c)(3)(viii).

(c) By revising paragraph (d), revoking paragraph (e) and redesignating paragraph (f) as paragraph (e) so that the revised paragraphs (d) and (e) read as follows:

§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval or air service.

* * * * *

(d)(1) Hospital care for veterans suffering from a nonservice-connected disability, disease or defect which, being susceptible to cure or decided improvement, indicates need for hospital care, providing the veterans (except those in receipt of pension) swear they are unable to defray the expense of hospital care. (38 U.S.C. 610(a), 622).

(2) Nursing home care for veterans requiring such care for nonservice-connected conditions, providing the veterans (except those in receipt of pension) swear they are unable to defray the expense of nursing home care. (38 U.S.C. 610(a), 622).

(3) Domiciliary care for veterans suffering from a disability, disease or defect which, being essentially chronic in type, is producing disablement of such degree and of such probable persistency as will incapacitate the veteran from earning a living for a prospective period, and thereby indicates need for domiciliary care. The additional requirements for eligibility for domiciliary care enumerated in paragraph (c)(3) of this section are also applicable to these veterans applying for domiciliary care. (38 U.S.C. 610(b), 621).

(e) Hospital or nursing home care for any veteran for a nonservice-connected disability if such veteran is 65 years of age or older.

10. Section 17.48 is amended as follows:

(a) By deleting "submitted to him" in the first sentence and deleting "his" and inserting "his or her" in the last sentence of paragraph (a)(2).

(b) By deleting "(f) of § 17.47" and inserting "(e) of § 17.47" in the introductory portion of paragraph (d).

(c) By deleting "and exclusive" and by deleting "he" and inserting "the veteran" in paragraph (f).

(d) By revising the headnote and paragraphs (a)(1), (b) and (c)(2) as set forth below:

§ 17.48 Considerations applicable in determining eligibility for hospital, nursing home or domiciliary care.

(a)(1) For applicants discharged or released for disability incurred or aggravated in line of duty and who are not in receipt of compensation for service-connected or service-aggravated disability, the official records of the Armed Forces relative to findings of line of duty for its purposes will be accepted in determining eligibility for hospital care. Where the official records of the Armed Forces show a finding of disability not incurred or aggravated in line of duty and evidence is submitted to the Veterans Administration which permits of a different finding, the decision of the Armed Forces will not be binding upon the Veterans

Administration, which will be free to make its own determination of line of duty incurrence or aggravation upon evidence so submitted. It will be incumbent upon the applicant to present controverting evidence and, until such evidence is presented and a determination favorable to the applicant is made by the Veterans Administration, the finding of the Armed Forces will control and hospital care will not be authorized. Such controverting evidence, when received from an applicant, will be referred to the adjudicating agency which would have jurisdiction if the applicant was filing claim for pension or disability compensation, and the determination of such agency as to line of duty, which is promptly to be communicated to the head of the field facility receiving the application for hospital care, will govern the facility Director's disapproval or approval of admission, other eligibility requirements having been met. Where the official records of the Armed Forces show that the disability for which a veteran was discharged or released from the Armed Forces under other than dishonorable conditions was incurred or aggravated in the line of duty, such showing will be accepted for the purpose of determining his or her eligibility for hospitalization, notwithstanding the fact that the Veterans Administration has made a determination in connection with a claim for monetary benefits that the disability was incurred or aggravated not in line of duty.

* * * * *

(b) Under paragraph (c)(3) of § 17.47:

(1) "No adequate means of support"—when an applicant is receiving an income of $265 or more per month from any source for personal use, this fact will be considered prima facie evidence of adequate means of support. This is subject to rebuttal by a showing that such income is not adequate to provide the care required by reason of the veteran's disability or that the income is not available for the veteran's use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Director for decision.

(c) Under paragraph (d) of § 17.47:

* * *

(2) "Unable to defray the expense of hospital, nursing home or domiciliary care"—the affidavit of the applicant on VA Form 10–10 that he or she is unable to defray the expenses of hospital, nursing home or domiciliary care will constitute sufficient warrant to furnish such care.

* * * * *

11. Section 17.49 is amended as follows:

(a) By deleting the word "his" and inserting the words "his or her" in the note following this section.

(b) By revising paragraph (a)(3)(iii)(*a*) and (*b*) to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital, nursing home and domiciliary care.

(a) *Priorities for hospital care.* Eligible persons will be admitted or transferred to a Veterans Administration facility in the following order:

* * * * *

(3) *Priority groups.* * * *

(iii) Group III includes:

(*a*) Veterans receiving hospital, nursing home or domociliary care from Veterans Administration pursuant to § 17.47 (c), (d) or (e) as applicable, whose transfer to a Veterans Adminstration hospital has been requested for medical reasons except as follows: Veterans eligible under § 17.47 (d) or (e), admitted to general medical and surgical hospitals who subsequently are determined to require psychiatric care for more than 6 months will not be accorded priority for transfer under this group. (See group V.)

(*b*) Patients eligible under § 17.47 (a) or (b) who are in Veterans Administration hospitals which are not the nearest appropriate facility to the point of application, may be transferred to the appropriate hospital nearest the point of application provided the clinical findings indicate they will require 90 days or more of inpatient care in the latter facility.

* * * * *

§ 17.50 [Amended]

12. Section 17.50 is amended by deleting the word "he" and inserting the words "he or she" in the last sentence of the section.

13. Section 17.50b is amended as follows:

(a) By deleting the word "he" and inserting the words "the veteran" in paragraph (a) and deleting the words "him, or her" and inserting the words "the veteran who" in paragraph (c).

(b) By revising the introductory portion preceding paragraph (a) and paragraph (i) to read as follows:

§ 17.50b Use of public or private hospitals for veterans.

When it is in the best interests of the Veterans Administration and Veterans Administration patients, and subject to the limitations in § 17.30(w)(3), contracts may be entered into the use of public or private hospitals for the care of veterans. When demand is only for infrequent use, individual authorizations may be used. Administrations in public or private facilities, however, subject to the provisions of § 17.50c, will only be authorized, whether under a contract or as an individual authorization, for any veteran, if: (38 U.S.C. 610, 601(4))

* * * * *

(i) *For emergent conditions arising during care in a Veterans Administration hospital or Government facility.* The veteran, while hospitalized in a Veterans Administration hospital or Government facility with which the Administrator contracts, who develops a need for emergency treatment of a condition which poses a serious threat to the veteran's life or health; and for which the facility is not staffed or equipped to perform, and transfer to a public or private hospital which has the necessary staff or equipment is the only feasible means of providing the necessary treatment, or—(38 U.S.C. 601(4))

* * * * *

14. Section 17.51 is amended as follows:

(a) By deleting "§ 17.47 (a), (b), (c), (d) or (f)" and inserting "§ 17.47" in paragraph (a)(1).

(b) By revising paragraph (b) (1) and (3) as follows:

§ 17.51 Use of community nursing homes.

* * * * *

(b) Such nursing home care will be subject to the following restrictions:

(1) Any veteran eligible under paragraph (a)(1) of this section shall be transferred to the nursing home care facility from a hospital under the direct jurisdiction of the Veterans Administration, except as provided for in § 17.51b, and

* * * * *

(3) The cost of the nursing home care will not exceed 45 percent of the cost of care furnished by the Veterans Administration in a general hospital as determined annually. However, the Administrator upon the recommendation of the Chief Medical Director may approve a higher rate not to exceed 50 percent of the cost of such care, and (38 U.S.C. 620(a))

* * * * *

15. Section 17.53 is revised to read as follows:

§ 17.53 Use of community medical services.

Subject to such terms and conditions as the Chief Medical Director may prescribe, community medical installations, professional associations or individuals may be authorized by furnish medical services of acceptable standards on a fee basis within the limitation of § 17.30(w)(3) or authorized to furnish such services pursuant to the terms of a sharing agreement, or pursuant to the terms of any other agreement, authority for the negotiation of which has been delegated in §§ 17.98 and 17.99 and 41 CFR Part 8–75, for any veteran eligible for the services at Veterans Administration expense. Except as provided in §§ 17.50b through 17.50f, services will not be authorized under the provisions of this section if furnishing services involves transfer of a veteran to a non-Veterans Administration facility as an inpatient. (38 U.S.C. 601(4), 612, 610, 5053, 621, 212)

16. Section 17.54 is amended as follows:

(a) By deleting the words "he enters" and inserting the word "entered" in the last sentence of paragraph (b) and deleting the word "his" in the first sentence of paragraph (c).

(b) By revising paragraph (a) to read as follows:

§ 17.54 Medical care for survivors and dependents of certain veterans.

(a) Medical care may be provided for: (1) The spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and (2) The surviving spouse or child of a veteran who: (i) Died as a result of a service-connected disability, or (ii) At the time of death had a total disability, permanent in nature resulting from a service-connected disability, who are not otherwise eligible for medical care as beneficiaries of the Armed Forces under the provisions of chapter 55 of title 10, United States Code (CHAMPUS). (38 U.S.C. 613)

* * * * *

17. Section 17.60 is amended as follows:

(a) By deleting the word "him" and inserting the words "him or her" in paragraph (c).

(b) By revising the introductory portion preceding paragraph (a) and paragraphs (e), (f) and (h) and adding paragraph (j) to read as follows:

§ 17.60 Outpatient care for eligible persons.

Medical services may be furnished, within the limits of Veterans Administration facilities, to the following applicants under the conditions stated, except that applicants for dental treatment, as defined in paragraphs (a) and (d) inclusive of this section must also meet the applicable provisions of § 17.123:

* * * * *

(e) *For prehospital care.* Persons eligible for hospital care under § 17.47, where a professional determination is made that such care is reasonably necessary in preparation for admission of such persons for care, or (to the extent that facilities are available) to obviate the need for bed care. (38 U.S.C. 612(f))

(f) *For posthospital care.* Persons eligible for hospital care under § 17.47 who have been furnished hospital care, and outpatient medical care is reasonably necessary to complete treatment incident to such hospital care. Said service may be provided not to exceed 12 months after discharge from the inhospital treatment except where the attending physician finds that a longer period is required by virtue of the disability being treated. (38 U.S.C. 612(f))

* * * * *

(h) *For veterans 50 percent or more disabled from a service-connected disabilty.* Outpatient care, except outpatient dental treatment, may be authorized to treat any nonservice-connected disability of a veteran who has a service-connected disability rate at 50 percent or more. (38 U.S.C. 612)

* * * * *

(j) *Home health service.* Home health services determined by the Veterans Administration to be necessary for effective and economical treatment of a disability may be furnished to any veteran to include home improvement and structural alterations as are necessary to assure the continuation of treatment or to provide access to the home or to essential lavoratory and sanitary facilities.

(1) The cost to the Veterans Administration or reimbursement by the Veterans Administration to the veteran will not exceed $2,500 for home improvement or structural alterations to veterans being treated for a service-connected disability, and,

(2) Will not exceed $600 for veterans being treated for a nonservice-connected disability and then only to veterans receiving authorized posthospital care under the authority of § 17.60(f) or to veterans rated at 50 percent or more service connected. (38 U.S.C. 612(f))

§ 17.60a [Amended]

18. Section 17.60a is amended by deleting the word "him" and inserting the words "the Administrator" in the last sentence.

§ 17.60d [Amended]

19. Section 17.60d is amended by deleting the word "he" and inserting the words "the veteran" in the first sentence and by deleting the word "his" and inserting the words "his or her" in the last sentence of paragraph (a).

20. Sections 17.60f, 17.60g and 17.60h are added to read as follows:

§ 17.60f Mental health services.

Mental health services, as defined in § 17.30(l)(2), may be furnished the members of the immediate family, or legal guardian of the person or the individual in whose household such person certifies an intention to live, provided the person is eligible for care under provisions of §§ 17.47, 17.54, or 17.60 (a), (b) or (f). (38 U.S.C. 601(5), 601(6), 612, 613(b))

§ 17.60g Priorities for medical services.

Unless compelling medical reasons indicate otherwise, eligible veterans shall be furnished outpatient medical services on a priority basis in the following order:

(a) To any veteran for a service-connected disability,

(b) To any veteran with a service-connected condition, rated at 50 percent or more,

(c) To any veteran with a disability rated as service connected,

(d) To any veteran eligible under the provisions of § 17.60(i). (38 U.S.C. 612(i))

§ 17.60h Immunizations under national programs.

Veterans receiving care for any disability in a Veterans Administration health care facility may have administered to them vaccines for immunization as part of a national immunization program. Participation by veterans in a national immunization program must be voluntary. (38 U.S.C. 612(j))

§ 17.96 [Amended]

21. Section 17.96 is amended by deleting "VA Hospital" and inserting "VA Medical Center".

22. Section 17.98 is revised to read as follows:

§ 17.98 Authority to approve sharing agreements, contracts for scarce medical specialist services and contracts for other medical services.

The Chief Medical Director is delegated authority to enter into

(a) Sharing agreements authorized under the provisions of 38 U.S.C. 5053 and § 17.210 and which may be negotiated pursuant to the provisions of 41 CFR 8–3.204(c);

(b) Contracts with schools and colleges of medicine, osteopathy, dentistry, podiatry, optometry, and nursing, clinics, and any other group or individual capable of furnishing such services to provide scarce medical specialist services at Veterans Administration health care facilities (including, but not limited to, services of physicians, dentists, podiatrists, optometrists, nurses, physicians' assistants, expanded function dental auxiliaries, technicians, and other medical support personnel); and

(c) When a sharing agreement or contract for scarce medical specialist services is not warranted, contracts authorized under the provisions of 38 U.S.C. 213 for medical and ancillary services. The authority under this section generally will be exercised by approval of proposed contracts or agreements negotiated at the health care facility level. Such approval, however, will not be necessary in the case of any purchase order or individual authorization for which authority has been delegated in § 17.99. All such contracts and agreements will be negotiated pursuant to 41 CFR Chapters 1 and 8. (38 U.S.C. 212, 213, 4117, 5053)

§ 17.99 [Amended]

23. Section 17.99 is amended by deleting "VA hospital" and "his" and inserting "VA medical center" and "his or her".

24. Section 17.100 is amended as follows:

(a) By deleting the words "he executes" and "he is" and inserting the words "the person executes" and "he or she is" in paragraph (h)(1).

(b) By deleting the word "station" and inserting the word "facility" in the first sentence of paragraph (1).

(c) By revising the introductory portion preceding paragraph (a) and paragraphs (a), (c), (d), (e), (f) and (k) and adding paragraph (g)(3) so that the added and revised material reads as follows:

§ 17.100 Transportation of claimants and beneficiaries.

Transportation at Government expense will be authorized for eligible claimants and beneficiaries. In no event shall payment be made under the provision of this section: unless the persons claiming reimbursement have been determined eligible based upon an annual declaration and certification of inability to defray expensed of such travel (except for the veteran receiving benefits for or in connection with a service-connected disability; for the cost of travel by privately-owned vehicle in any amount in excess of the cost of such travel by public transportation unless public transportation is not reasonably accessible or would be medically inadvisable; for the cost of travel in excess of the actual expense incurred by any person as certified by that person in writing.)(38 U.S.C. 111) Travel will be authorized for the following purposes:

(a) *Admission.* (1) Admission of applicants under §§17.47 and 17.54.

(2) Hospital admission for observation and examination.

(3) Admission for domiciliary care of applicant under § 17.47(c)(3) and (d).

* * * * *

(c) *Preparatory and posthospital care.* When necessary to the provision of medical services furnished veterans under § 17.60(e) and (f). The authority under this paragraph is subject to the exceptions stated in paragraph (h) of this section.

(d) *Authorized absence.* Transportation will not be furnished beneficiaries who are on authorized absence, to depart from or return to Veterans Administration health care facilities, except that if a patient or member in such status develops an emergent condition and the patient or member (or guardian, if there be one) is without funds to return such patient or member to a Veterans Administration health care facility, travel may be approved by the Director of the Veterans Administration facility to which the patient or member is to be returned.

(e) *Interfacility transfers for treatment, diagnosis, or domiciliary care.* Prior consent of the District Medical Director will be had for transfers of patients or members en bloc within the area, and of both District Medical Directors if interarea transfers are involved. Interfacility transfer will include transfer from a Veterans Administration medical center to nursing home care.

(f) *Discharge.* (1) Upon regular discharge from hospitalization for treatment, observation and examination, or nursing home, or domiciliary care, return transportation to the point from which the beneficiary had proceeded, or to another point if no additional expense be thereby caused the Government.

(2) A patient in a terminal condition may be discharged to his or her home or transferred to a hospital suitable and nearer that home, regardless or whether travel so required exceeds that covered in proceeding to the hospital of original admission.

(3) Transportation may be furnished to a point other than that from which a patient had proceeded to a hospital upon a showing of bona fide change of address of the patient's residence during the period of hospital care.

(4) No return transportation will be supplied a patient who receives an irregular discharge from hospital or nursing home care, unless the patient executes an affidavit of inability to defray the expense of return transportation.

(g) *Outpatient services.* * * *

(3) Claimants identified in § 17.30(m)(2) are entitled to reimbursement of transportation costs when authorized to report to a Veterans Adminsitration health care facility. (38 U.S.C. 601(6))

* * * * *

(k) *Furnishing transportation and other expenses incident thereto.* In furnishing transportation and other expenses incident thereto, as defined, the Veterans Administration may (1) issue requests for transportation, meals, and lodging; or (2) reimburse the claimant, beneficiary or representative, for payment made for such purpose, upon due certification of vouchers submitted therefor; or (3) make mileage allowance. The provisions of § 17.100, 17.101 or 17.102 will be complied with in all instances when transportation costs are claimed. (38 U.S.C. 111)

* * * * *

§ 17.101 [Amended]

25. Section 17.101 is amended by deleting the word "his" in paragraph (b).

26. Immediately preceding § 17.119, a new center title is added to read "Automotive Equipment and Driver Training".

27. Section 17.119a is added to read as follows:

§ 17.119a Obtaining vehicles for special driver training courses.

The Administrator may obtain by purchase, lease, gift or otherwise, any automobile, motor vehicle, or other conveyance deemed necessary to conduct special driver training courses at Veterans Administration health care facilities. The Administrator may sell, assign, transfer or convey any such automobile, vehicle or conveyance to which the Veterans Administration holds title for such price or under such terms deemed appropiate by the Administrator. Any proceeds received from such disposition shall be credited to the applicable Veterans

Administration appropriation. (38 U.S.C. 1903(e)(3))

28. A new § 17.123b is added and the former § 17.123b is amended and redesignated § 17.123c so that §§ 17.123b and 17.123c now read as follows:

§ 17.123b Posthospital outpatient dental treatment.

The Chief, Dental Service may authorize outpatient dental care which is reasonably necessary to complete treatment of a nonservice-connected dental condition which was begun while the veteran was receiving Veterans Administration authorized hospital care. (38 U.S.C. 612(b)(5))

§ 17.123c Patient responsibility in making and keeping dental appointments.

Any veteran eligible for dental treatment on a one-time completion basis only and who has not received such treatment within 3 years after filing the application shall be presumed to have abandoned the claim for dental treatment.

§ 17.155 [Amended]

29. Section 17.155 is amended as follows:

(a) By deleting the words "his death" and inserting the word "death" in the first sentence and by deleting the word "he" and inserting the words "he or she" in the last sentence of paragraph (a).

(b) By deleting the words "his discretion he" and inserting the words "the Director's discretion he or she" in paragraph (b).

(c) By deleting the word "he" and inserting the words "the Director" in the first sentence of paragraph (f).

(d) By revising paragraph (c) as follows:

§ 17.155 Autopsies.

* * * * *

(c) If it is suspected that death resulted from crime or the cause of death is unknown and if the United States has jurisdiction over the area where the body is found, the Director of the Veterans Administration facility will inform the appropriate District Counsel of the known facts concerning the death. Thereupon the District Counsel will transmit all such information to the United States Attorney for such action as may be deemed appropriate and will inquire whether the United States Attorney objects to an autopsy if otherwise it be appropriate. If the United States Attorney has no objection, the procedure as to autopsy will be the same as if the death had not been reported to him or her.

* * * * *

§ 17.161 [Amended]

30. Section 17.161 is amended by deleting the title "Assistant Chief Medical Director for Administration and Facilities" and inserting the title "Assistant Chief Medical Director for Administration" in paragraph (b).

31. Immediately preceding § 17.165, the center title is changed to read "Aid to States for Care of Veterans in State Homes".

32. Section 17.165 is amended as follows:

(a) By deleting the words "of a war" in paragraph (c) and deleting "§ 17.166a(c)" and inserting "§ 17.166a(b)" in paragraph (d).

(b) By revising the introductory portion preceding paragraph (a) as follows:

§ 17.165 Recognition of a State home.

A State-operated facility which provides hospital, domiciliary or nursing home care to veterans must be formally recognized by the Administrator as a State home before Federal aid payments can be made for the care of such veterans. Any agency of a State (exclusive of a territory or possession) responsible for maintenance or administration of a State home may apply for recognition by the Veterans Administration for the purpose of receiving aid for the care of veterans in such State home. A State home may be recognized if: (38 U.S.C. 210, 641)

* * * * *

§ 17.165a [Amended]

33. Section 17.165a is amended by deleting the words "his recommendation" and "his decision" and inserting the words "a recommendation" and "the decision".

§ 17.165b [Amended]

34. Section 17.165b is amended by deleting the word "war" in the last sentence and inserting the citation "(38 U.S.C. 641, 210)" at the end of the section.

35. Section 17.165c is revised to read as follows:

§ 17.165c Aid for period prior to recognition prohibited.

Payment of Federal aid will not be made for domiciliary, nursing home or hospital care for any period prior to the date of notification of recognition of a State home, and aid for domiciliary, nursing home or hospital care furnished any veteran in such home will not be paid for any period prior to the receipt of application for such care on behalf of such veteran except as provided for in § 17.166d. (38 U.S.C. 643)

36. Section 17.165d is added to read as follows:

§ 17.165d Prerequisites for payments to State homes.

No payment or grant may be made to any State home unless the State home meets the standards prescribed by the Administrator. These standards, with respect to nursing home care, shall be no less stringent than those prescribed by the Administrator for community nursing homes. (38 U.S.C. 642(a))

37. Sections 17.166, 17.166a, 17.166b and 17.166c are revised to read as follows:

§ 17.166 Aid for domiciliary care.

Aid may be paid to the designated State official for domiciliary care furnished in a recognized State home for any veteran if the veteran is eligible for domiciliary care in a Veterans Administration facility. (38 U.S.C. 641)

§ 17.166a Aid for nursing home care.

Aid may be paid to the designated State official for nursing home care furnished in a recognized State home for any veteran if:

(a) The veteran needs nursing home care and:

(1) Has a service-connected disability for which nursing home care is being provided, or

(2) Has a nonservice-connected disability and is unable to defray the expenses of nursing home care and so states under oath, or

(3) Was discharged or released from active military, naval or air service for disability incurred or aggravated in line of duty, or

(4) Is in receipt of, or but for the receipt of retirement pay would be entitled to receive, disability compensation, and

(b) The quarters in which the nursing home care is provided are in an area clearly designated for such care and not intermingled with those of either hospital patients or domiciliary members. (38 U.S.C. 641, 642(a))

§ 17.166b Aid for hospital care.

Aid may be paid to the designated State official for hospital care furnished in a recognized State home for any veteran if:

(a) The veteran is eligible for hospital care in a Veterans Administration facility, and

(b) The quarters in which the hospital care is carried out are in an area clearly

designated for such care, specifically established, staffed and equipped to provide hospital type care, are not intermingled with the quarters of nursing home care patients or domiciliary members, and meet such other minimum standards as the Veterans Administration may prescribe.

§ 17.166c Amount of aid payable.

The amount of aid payable to a recognized State home shall be at the per diem rates of $5.50 for domiciliary care, $10.50 for nursing home care, and $11.50 for hospital care. In no case shall the payments made with respect to any veteran exceed one-half of the cost of the veteran's care in the State home. (38 U.S.C. 641)

§ 17.166d [Amended]

38. Section 17.166d is amended by deleting the word "he" and inserting the words "he or she" in the last sentence.

39. In § 17.210, paragraph (d) is added to read as follows:

§ 17.210 Sharing specialized medical resources.

* * * * *

(d) Reimbursement for medical care rendered to an individual who is entitled to hospital or medical services (Medicare) under subchapter XVIII of chapter 7 of title 42, United States Code, and who has no entitlement to medical care from the Veterans Administration, will be made to such facility, or if the contract or agreement so provides, to the community health care facility which is party to the agreement, in accordance with:

(1) Rates prescribed by the Secretary of Health, Education and Welfare, after consultation with the Administrator, and

(2) Procedures jointly prescribed by the Secretary and the Administrator to assure reasonable quality of care and service and efficient and economical utilization of resources. (38 U.S.C. 5053)

§ 17.212 [Amended]

40. Section 17.212 is amended by deleting "his" in the first sentence.

§ 17.220 [Amended]

41. Section 17.220 is amended by deleting "title IX of the Public Health Service Act" and inserting "part F, title XVI of the Public Health Service Act."

[FR Doc. 79-22399 Filed 7-18-79; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1276-7]

Approval and Promulgation of Implementation Plans; Alabama: Proposed Plan Revisions

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Proposed rule.

SUMMARY: EPA today proposes conditional approval action on the State Implementation Plan (SIP) revisions which the Alabama Air Pollution Control Commission 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 were submitted April 19, 1979, under the title "Alabama Air Pollution Control Commission State Implementation Plan Revision April 1979". Portions of the submitted SIP revision concerning the particulate nonattainment areas of Jefferson and Etowah Counties will be addressed in a separate **Federal Register** notice. This is being done because of the recent decision in *United States Steel Corp.* vs. *United States Environmental Protection Agency,* Civ. No. 78-1922, and *Republic Steel Corp.* vs. *Environmental Protection Agency,* Civ. No. 78-1927 (5th Circuit, decided May 3, 1979), setting aside the Administrator's designation of these two counties as nonattainment for particulates. EPA has found the nonattainment revisions conditionally approvable contingent on correction of the indicated deficiencies.

The State asserts that the revisions concerning the sulfur dioxide nonattainment areas will be submitted at a later date, so the present approval does not include the SIP for sulfur dioxide in those areas. The revisions concerning the sulfur dioxide nonattainment areas will be addressed in a separate **Federal Register** notice when they are submitted.

The public is invited to submit written comments on these proposed actions.

DATES: To be considered, comments must be submitted on or before August 20, 1979. A thrity-day comment period is being used for two reasons. First, public availability of the SIP revision was announced in the **Federal Register** on May 9, 1979. Second, the issues contained in the SIP are straightforward and are not so complex as to warrant a longer comment period.

ADDRESSES: Written comments should be addressed to Raymond Gregory of Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by date of publication may be examined during normal business hours at the following locations:

Public information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia, 30308.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama, 36130.

FOR FURTHER INFORMATION CONTACT: Raymond Gregory, Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courland 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 Alabama were designated as not attaining certain National Ambient Air Quality Standards. The areas presently designated nonattainment for the primary (P) and secondary (S) standards for total suspended particulate matter (TSP) are:

A. That portion of Jackson County surrounding the Tennessee Valley Authority's Widows Creek Plant (P)(S).

B. That portion of Mobile County within a section of downtown Mobile (P)(S).

C. A portion of Morgan County including portions of the City of Decatur (S).

The areas designated nonattainment for photochemical oxidants (ozone) are:

A. Jefferson County;
B. Mobile County;
C. Madison County;
D. Morgan County;
E. Russell County.

Implementation plan revisions under Part D of Title I of the Clean Air Act were officially submitted to EPA by the State on April 19, 1979, for all the foregoing areas and pollutants except Jackson County (TSP). The State has asserted that the Jackson County TSP designation was based on noncompliance with the SIP by one source and that the present control strategy is adequate. EPA agrees with the State's analysis.

Receipt of the Alabama revisions was first announced in the **Federal Register** of May 9, 1979 (44 FR 27183). The Alabama revisions have been reviewed by EPA in light of the Clean Air Act as amended 1977, 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 comment on approvals, conditional approvals, and disapprovals. A conditional approval will mean that the restictions 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 CAAA of 1977 contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents, adequacies, and items proposed for conditional approval in the Alabama submittal.

172(b)(1) [SIP provisions shall] be adopted by the State (or promulgated by Administrator under section 110(c)) after reasonable notice and public hearing;

Public hearings concerning the particulate nonattainment areas were held in Birmingham, Alabama, on December 19, 1978, and in Mobile, Alabama, on December 18, 1978, following 30 days public notice. These SIP provisions were adopted by the State on April 3, 1979.

A public hearing concerning the ozone nonattainment areas was held in Birmingham, Alabama on March 5, 1979, following 30 days public notice. These SIP provisions were adopted by the State on April 3, 1979.

172(b)(2) [SIP provisions shall] provide for the implementation of all reasonably available control measures as expeditiously as practicable;

Comment is invited on the State's schedule for adoption of requirements for control of non-traditional sources (Table 2.2.6, Investigative Schedule for Secondary Attainment) for the Mobile TSP nonattainment area as it relates to attainment as expeditiously as practicable. The State projects attainment of the secondary standard by the end of 1987. Table 2.2.6 indicates adoption of control measures for reduction of carry-out of dust and mud from industrial facilities by January, 1985; for paving unpaved parking lots and unpaved roads by January, 1984; for control of truck spills on paved roads by January, 1986; and for reduction of emissions from area sources by January, 1985. EPA proposes to approve this portion.

172(b)(3) [SIP provisions shall] require, in the interim, reasonable further progress (as defined in Section 172(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a mimimum, of reasonably available control technology;

Reasonable further progress (RFP) graphs and calculations accompany each explanation of progress toward attainment for each required nonattainment area (that is, all areas except Jackson County (TSP), and Morgan County (TSP)). The SIP calls for meeting the TSP and ozone national primary ambient air quality standards in all other areas by the end of 1982. Each area is discussed below.

Portions of Etowah and Jefferson Counties (TSP)—The U.S. Fifth Circuit Court of Appeals in *United States Steel* and *Republic Steel,* cited in the Summary, has ruled that the nonattainment designations for particulates were invalid because the requirements for proper public notice and comment were not followed. The attainment status of these two areas will be addressed in a separate **Federal Register** notice.

Portion of Jackson County (TSP)—The original designation was based on the noncompliance status of a particular power plant of the Widows Creek station of the Tennessee Valley Authority. Joint EPA and State enforcement action has been taken to assure compliance with the existing SIP. Since the present control strategy is considered adequate the new source review requirements, applicable for nonattainment areas, in the SIP (Chapter 16—Permits) will provide for maintenance of the National Ambient Air Quality Standards.

Portion of Mobile County (TSP)—The State has adopted additional control requirements for cement plants and grain elevators which are discussed under 172(b)(8). The State has also adopted a fugitive dust and fugitive emissions regulation which will be addressed under 172(b)(8). The State has projected attainment of the secondary particulate standard by the end of 1987. The State has adopted an "Investigation Schedule for Secondary Attainment" dealing with nontraditional sources for the Mobile area. EPA proposes to conditionally approve the primary attainment portion of the plan, contingent upon conditions specified in the discussion under 172(b)(8) being met, and proposes to approve the secondary attainment portion of the plan.

Portion of Morgan County (TSP)—The State maintains that already planned additional controls for existing plants will attain the secondary standard. EPA proposes to conditionally approve this strategy contingent on the State's submitting an RFP demonstration for this area.

Jefferson County (Ozone)—The State has calculated that an 18.2% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions will be obtained through the Federal Motor Vehicle Control Program (certification of new light duty vehicles and truck engines as meeting emission standards) and through regulations for volatile organic compounds (VOC) emitted by "major" sources, those with potential emissions equal to or in excess of 100 tons per year. The State projects that a 29% reduction will occur by 1982. Therefore, the area should become attainment by late 1981. EPA proposes to approve this portion of the plan.

Mobile County (Ozone)—The State has calculated that a 10% reduction in hydrocarbon emissions is needed to meet the ozone standard. Reductions are to be obtained through the Federal Motor Vehicle Control Program and VOC regulations for major sources. The State projects that a 26.2% reduction will occur by 1982. Therefore, the area should become attainment by late 1980. EPA proposes to approve this portion of the plan.

Russell County (Ozone)—The State has calculated that with the revised national standard of 0.12 ppm, no reductions are necessary to attain the standard by 1982. EPA proposes to approve this portion of the plan.

Madison and Morgan Counties (Ozone)—These are classified as non-urban areas with no metropolitan area over 200,000 population. Thus the only requirement is the adoption of controls for major sources, which has been accomplished. EPA proposes to approve this portion of the plan.

Since VOC controls have been adopted statewide (except for the cutback asphalt category) and since EPA concurs with the VOC emission reduction figures calculated by the State, EPA proposes to approve this portion of the plan.

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 pollutant for each such area which is revised and resubmitted as 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).

Except for the Mobile TSP area, appropriate emissions inventories for TSP and ozone (the inventory is for hydrocarbons which react with sunlight to form ozone), have been submitted. The State has submitted an inventory for the particulate sources in Mobile which is identified as a 1972 emissions inventory which the States asserts also represents emissions as of 1976. EPA is requesting certification from the State that the 1972 inventory is identical to the 1976 inventory. In addition, the State has been requested to make a commitment to an annual updating of the required inventories.

EPA proposes to give conditional approval to this portion of the plan contingent upon receipt of the requested submittals.

172(b)(5) [SIP provisions shall] expressly identify 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;

There is no identification and quantification of emissions from major new or modified sources. Therefore, offsets under Section 173 of the Clean Air Act will be required for these new sources. The State expects to be able to satisfy the offset requirement through emissions reductions in excess of the reductions needed to provide for Reasonable Further Progress.

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 has adopted a regulation to comply with the requirements of Section 173. EPA proposes to conditionally approve this regulation contingent on submittal of the changes indicated below.

The State has included a phrase not in the definition of "lowest achievable emission rate" (LAER) contained in the Clean Air Act. EPA proposes to conditionally approve the definition of LAER contingent on removal of the phrase "or can reasonably be expected to occur in practice".

The State has defined "source" as the word "facility" is defined in EPA regulations. In paragraph 16.3.2(b)(3), "major facility" is defined as the phrase "major source" is defined in EPA regulations. This reversal of definitions will likely create confusion in the new source review process. Furthermore, this reversal is not consistently maintained throughout Chapter 16; *i.e.*, in several instances the State reverts to the Federal usage of these terms. This internal inconsistency should be corrected.

EPA proposes to approve the applicability section of the permit requirements (16.3.2(c)) contingent on the State's revising it to apply also to those sources significantly impacting (as defined in the Interpretative Ruling (44 FR 3282)) a nonattainment area.

Subparagraph 16.3.2(c)(2) states,

The person certifies that all existing major sources owned or operated by that person (or any entity controlling, controlled by, or under common control with that person) in the State are in compliance with applicable emission limits or are on an acceptable schedule.

EPA interprets the term "acceptable schedule" (of compliance) to mean one which is consistent with the requirements of the Clean Air Act including Section 113(d). EPA proposes to approve this subject to the State's concurrence with this interpretation prior to final approval.

EPA proposes to conditionally approve subdivision 16.3.2(d)(1)(i) contingent upon removal by the State of the phrases "increase in" and "(or sources)" in the first sentence. As the sentence is presently written, these phrases imply that a new source may be exempted from the substantive permitting requirements if internal offsets are obtained which limit the increase in emissions to less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour—whichever is more restrictive. Since internal offsets are permitted only for modifications, not new sources, this ambiguity needs to be corrected in order for this provision to be approvable.

Where States adopt statewide VOC regulations, it is EPA's policy that the State has an accommodative SIP for VOC sources locating in non-urban areas (population under 200,000). This would allow a new source locating in a non-urban area to be exempt from the offset requirement. EPA proposes to conditionally approve the exception for volatile organic compound (VOC) sources (16.3.2(d)(3)(i)) from the offset requirement, if the EPA policy on adoption of statewide VOC controls is implemented before the exception is applied to a source. This would consist of adopting a statewide regulation for control of cutback asphalt.

EPA proposes to give conditional approval contingent on the State's removing the exemption under subparagraph 16.3.2(d)(5) which exempts those sources impacting a secondary nonattainment area from offset and LAER requirements. Under Section 173 permitting requirements of the Clean Air Act, no such exemption is allowed.

EPA proposes to conditionally approve the phrase "Maximum expected production rate" used in subparagraph 16.3.2(g)(5) concerning calculation of emission offsets on a tons-per-year basis until the State modifies the regulation so that it does not allow a calculated value greater than that which would be allowed under the approved plan. The regulation should also indicate that if the allowable emissions under the approved plan are greater than the source's potential emissions, the value determined for the potential emissions must be used.

EPA proposes to conditionally approve subparagraph 16.3.2(g)(6) contingent on the State's listing the specific legally enforceable mechanisms which the Director shall consider in determining that emission reductions used for offsets are legally enforceable. Alternatively, the State may specify that the offsets must be legally enforceable in a manner approved by the Director and the United States Environmental Protection Agency.

The requirements of Section 173 of the Clean Air Act include in the offset requirements those emissions from a source which would be classified as fugitive emissions. EPA proposes to conditionally approve the permitting regulations (Chapter 16) contingent on the State's including a definition of fugitive emissions and applying offset requirements applicable to these emissions.

The State must make applicable to offset requirements those emissions defined as fugitive emissions. The State must include a definition of fugitive emissions as well as a definition of secondary emissions.

172(b)(7) [SIP provisions shall] identify and commit the financial manpower resources necessary to carry out the plan provisions required by this subsection;

The State has identified adequate financial and manpower resources necessary to carry out the provisions of this 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 regulation adopted by the States for control of fugitive emissions (4.2.4) contains a schedule by which sources are to submit plans for the control of

both TSP fugitive dust and fugitive emissions. These plans are to represent "reasonable available control measures" (RACM). These measures (RACM) are identified in several documents listed in the regulation. Because this regulation is applicable to the TSP primary nonattainment areas, it should identify the emission limitations and legally enforceable procedures. EPA at this time has no way of insuring that the affected sources will submit approvable plans. EPA is proposing to conditionally approve this regulation contingent on the submittal by the State by December 15, 1979, of EPA approvable plans and schedules for the affected sources.

There is an apparent contradiction between the regulations for control of new cement plants (4.11.1(c)) and the regulation specifying New Source Performance Standards (NSPS) for new cement plants (12.2.2). Most of the requirements addressed in 40 CFR 60.60 for new Portland cement plants are not included in 4.11. EPA proposes to conditionally approve this regulation (4.11) for existing cement plants contingent on the State deleting its applicablity to new cement plants.

EPA proposes to approve the regulation (4.12) applicable to certain existing grain elevators located in Mobile County.

With respect to Volatile Organic Compound (VOC) regulations, the State has adopted statewide regulations, except for one RACT category (cutback asphalt), pertaining to the process and equipment specifications, and emission limitations necessary to meet the requirement that RACT be applied to these sources. Categorical compliance schedules are included. These regulations are for sources in the eleven categories required for this submittal which equal or exceed 100 tons of emissions per year.

The State's definition of VOC includes organic compounds (except those excluded) with a true vapor pressure of 1.5 psia under storage conditions. This definition is superseded when applicable by the (test) procedures in the regulation. EPA anticipates that the State's VOC definition will be superseded in certain cases by the (test) procedures. The governing factor will be the ability of the VOC to be detected using the (test) procedures thereby making this definition as stringent or more stringent than a definition containing a true vapor pressure limit of 0.1 mm Hg (millimeters of mercury).

Categories of sources controlled by presently adopted regulations include: (1) VOC/water separation; (2) loading and storage of VOC; (3) petroleum liquid storage; (4) gasoline terminals, plants, and dispensing facilities; (5) petroleum refinery sources; (6) surface coating of a) cans, b) coils, c) metal fruniture, d) large appliances, e) automobile and light duty trucks, f) paper, g) fabric and vinyl, and h) magnet wire; (7) solvent metal cleaning; and (8) cutback asphalt.

EPA proposes to conditionally approve two regulations concerning VOC control. The information in the Control Techniques Guideline (CTG) shows that nominal 10,000 barrel vessels prior to lease custody transfer must be controlled.* The regulation for petroleum liquid storage (6.4.3(b)) has applicability limits which are greater than those that are acceptable based on the information in the CTG document. The State should demonstrate that the impact on emissions is less than five percent of the controlled emissions from this category or that it impacts only less than 100-ton sources and is not necessary for attainment. EPA proposes conditional approval for the State's alternative (VOC) control (6.14.2) "bubble concept" which uses a plantwide weekly weighted average. This proposed conditional approval is contingent upon submittal of a revision by the State specifying source reporting requirements and compliance testing procedures.

The State has committed to adopt VOC regulations for additional RACT categories annually as they are developed by EPA.

EPA has determined that methyl chloroform (1,1,1 trichloroethane) and trichlorotrifluoroethane (freon 113) are not photochemically reactive compounds. As a result, Alabama's plan does not require their control to attain ozone standards. These volatile organic compounds (VOC), while not appreciably affecting ambient ozone levels, are potentially harmful. Methyl chloroform has been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

Furthermore, methyl chloroform and freon 113 both eventually migrate to the stratosphere where they are suspected of contributing to the depletion of the ozone layer. Since stratosphere ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

With EPA's statement that methyl chloroform is not photochemically reactive, and the subsequent exemption, some sources, particularly existing degreasers, will be encouraged to utilize it in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. The use of this compound may be encouraged by exempting it in the SIP. This may further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources. EPA has issued guidance to the States allowing them to exempt these compounds from control.

State officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions. Alabama has indicated its intention to regulate these compounds once their effects are defined.

EPA proposes to approve this portion 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;

A discussion of consultation with the public and local governments was included in the SIP. The State's analysis of the air quality, health, welfare, economic, energy, and social effects determines that the impact of the SIP will be beneficial. This portion of the SIP was a subject of the March 5, 1979, public hearing. The public had an opportunity to submit comments at that time. EPA proposes to approve this portion ofthe SIP.

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, regulations, 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;

*Based on the information in the CTG, EPA believes that the submitted regulation represents RACT, except as noted. On the point noted, the State regulation is not supported by the information in the CTG, and the State must provide an adequate demonstration that its regulation represents RACT, or amend the regulation to be consistent with the CTG.

In the State of Alabama, the Alabama Air Pollution Control Commission has full statutory authority for enforcing the SIP revisions. The Commission adopted on April 3, 1979, the regulatory revisions concerning particulates and ozone (volatile organic compounds). With the exceptions noted previously, schedules and timetables for compliance were included in the revisions.

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) does not apply to Alabama, since the national primary ambient air quality standards for photochemical oxidants and carbon monoxide will be attained by December 31, 1982.

Other Topics

In addition to the implementation plan for the nonattainment areas under Part D of the CAAA the SIP revisions contains a regulation (1.16) allowing a general "bubble provision" which could allow a "facility to reduce the level of control required at one source in exchange for an equal increase in the level of control required at another source." This regulation requires consistency with Federal and State law as well as SIP approval before a bubble emission limit becomes effective. With the qualifications placed on the use of the "bubble provision" by the State, EPA proposes to approve Alabama's "bubble provision" regulation.

Proposed Action

Based on the foregoing, EPA is proposing to conditionally approve the SIP under Part D of Title I of the Clean Air Act, as it relates to the attainment of ozone standards in Jefferson, Madison, Mobile, Morgan and Russell Counties and as it relates to the attainment of the particulate standards in Mobile, Morgan and Jackson Counties if the State corrects the deficiencies noted. Corrections required to undergo the SIP revision process must be submitted after undergoing the required procedures. EPA proposes to approve the remainder of the plan except for the other proposed conditional approvals noted earlier.

All submittals or revisions required by the conditional approval must be submitted by December 15, 1979. If these corrections are not forthcoming by December 15, 1979, EPA will act to disapprove the related plan provisions.

(Secs. 110, 173, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: July 16, 1979.

John C. White,

Regional Administrator.

[FR Doc. 79-22431 7-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1277-4]

Approval and Promulgation of State Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule; Correction of typographical error.

SUMMARY: ERA's proposed language on application of the Clean Air Act restriction on new sources contains a typographical error. 40 CFR 52.24(e), as proposed at 44 FR 38585 col. 1 (July 2, 1979), should refer to "sections II.D and E" of the Offset Ruling (not sections III.D and E).

Since the subject matter of the sections referred to was described in both the proposed regulatory language and the preample, EPA believes there should have been little confusion and there is no need to extend the comment period, which ends August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Darryl Tyler, Chief, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, 919-541-5425.

Dated: July 12, 1979.

Michael P. Walsh,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-22555 Filed 7-18-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 141]

[FRL 1230-3]

Interim Primary Drinking Water Regulations; Amendments

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: These proposed regulations amend the National Interim Primary Drinking Water Reguations (NIPDWR), promulgated according to Section 1412 of the Safe Drinking Water Act, as amended, 42 U.S.C. § 300f *et seq.* at 40 FR 59566 (December 24, 1975) and 41 FR 28402 (July 9, 1976). These proposed amendments provide greater latitude to small public water systems for determination of compliance with the microbiological maximum contaminant levels (MCLs), specify alternative analytical techniques that have been approved by EPA for determining compliance with existing maximum contaminant levels, endorse fluoridation practices and add a statement to the NIPDWR clarifying the apparent contradiction between setting a MCL for fluoride and the beneficial uses of fluoride, add a statement to the NIPDWR that water samples taken by the State may be used to determine compliance, add a statement to the NIPDWR that clarifies that water systems shall submit to the State upon request any records required to be maintained by the NIPDWR, require water systems that have completed a public notification to submit to the State a representative copy of the public notification, change the time when results of monitoring are required to be submitted to the State, require community water systems to conduct monitoring and reporting for sodium levels in finished drinking water and require community water systems to implement corrosion control programs under State direction.

Modifications to the NIPDWR relating to non-community water systems are also proposed. These proposed amendments increase the latitude of the States with regard to noncommunity water systems by providing an additional year for completion of nitrate monitoring, allow some non-community systems to exceed the 10 mg/l nitrate level up to 20 mg/l under certain controlled conditions, provide latitude in turbidity monitoring requirements and include modifications to the bacteriological monitoring frequency and public notification measures.

In addition, increased latitude is provided to the States with repect to

requirements concerning public notification through the media for community water systems.

DATES: Comments should be received on or before September 12, 1979. The record will remain open for public inspection and inclusion of additional comments as appropriate. The proposed effective date is immediately upon promulgation except that the requirements for sodium monitoring and corrosion control will be effective 18 months after the date of promulgation. The Statement of Basis and Purpose Document, which provides additional supporting information for the sodium and corrosion control requirements, is available upon request from EPA headquarters and is available for reading at EPA regional offices.

Public hearing: A public hearing on these proposed amendments will be held August 29, beginning at 9:00 am.

ADDRESSES: Submit comments to: Comment Clerk, Amended National Interim Primary Drinking Water Regulations, ODW (WA–550), EPA, Washington, D.C. 20460. For further information contact: Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, ODW (WH–550), EPA, Washington, D.C. 20460. Telephone 202–472–5030.

Public hearing location: A public hearing location: A public hearing on these proposed amendments will be held at EPA, Waterside Mall, Room 2126, 401 M St. S.W., Washington, D.C., on August 29, beginning at 9:00 a.m. Persons wishing to attend are requested to confirm their attendance by telephone (202–472–5030).

FOR FURTHER INFORMATION CONTACT: Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, ODW (WH–550), EPA, Washington, D.C. 20460. Telephone 202–472–5030.

SUPPLEMENTARY INFORMATION: These proposed amendments to the National Interim Primary Drinking Water Regulations (NIPDWR) are intended to up-date the Regulations as the result of information gained subsequent to prumulgation of NIPDWR on December 24, 1975 and July 9, 1976 pursuant to Sections 1412, 1414, 1415, 1416, 1445 and 1450 of the Safe Drinking Water Act as amended ("SDWA" or the "Act", 42 U.S.C § 300f *et seq.*). Those regulations were published in the **Federal Register** at 40 CFR 59566 and 41 28402, respectively, and became effective on June 24, 1977. The additional information includes such materials as the completion of the National Academy of Sciences (NAS) report, "Drinking Water Health"; problems arising in the interpretation and implementation of monitoring requirements of the Regulations reported by the various States; the generation and reporting of additional data on the occurrence and health effects of the containmants; and the judicial interpretation of the adequacy of the existing Regulations in light of the directivees of the Safe Drinking Water Act.

The Safe Drinking Water Act, prescribes an orderly sequence of developmental actions leading to National Revised Primary Drinking Water Regulations. First, the Interim Primary Regulations are to be essentially modifications of the 1962 Public Health Service Drinking Water Standards, as revised by the EPA Advisory Committee on the Revision and Application of the Drinking Water Standards. Second, the National Academy of Sciences is to review the Interim Primary Regulations and make recommendations regarding contaminants in drinking water, preperatory to the development of Revised Primary Drinking Water Regulations. Section 1412(a) of the SWDA notes that the Interim Primary Regulations may be amended from time to time, and notes that the Revised Primary Regulations supersede the Interim Regulations only to the extent provided by the Revised Regulations. In other words, both regulations can exist simultaneously to the extent that they do not conflict with each other. These provisions of the Act thus provide for a considerable amount of latitude with amendments to the Interim regulations. This makes it possible to amend portions of the regulations, if so desired, or to defer major changes until Revised Regulations are developed. The Administrator has carefully considered all alternatives, and has decided to amend sections of the Interim Regulations at this time, while comprehensive Revised Regulations are being developed.

There are several reasons for this decision. While the Safe Drinking Water Act calls for issuance of revised regulations shortly after completion of the National Academy of Science's study, it was the Congresss' expectation that the National Academy of Science's report would provide sufficient bases for such revised regulations. However, the Academy was unable to make specific recommendations as to safe levels of contaminants in drinking water to be used as a bases for maximum contaminant levels. Rather, NAS provided background information, recommendations for further research, and recommendations regarding acceptable daily intakes for certain compounds.

Conversion of these recommendations and information into drinking water regulations is therefore a more lengthy and complex process than originally anticipated, and issuance of revised regulations in the prescribed time-frame became unrealistic. In addition, EPA has acquired extensive additional information from a number of sources. EPA has continued to conduct considerable research with respect to occurrence, health effects, and monitoring and analysis of contaminants in drinking water. EPA has also received considerable feedback from States and its own regional offices on the Interim Regulations based upon their implementation experience since the regulations went into effect in June 1977. Further, EPA has received valuable input from various sectors of the public such as local governments, water utilities, environmental groups and independent scientists and engineers from the research community.

Since the NIPDWR regulations went into effect, the States have encountered several problems with respect to the microbiological MCLs and the monitoring requirements for small public water systems. Greater latitude has also been urged with respect to requirements applicable to non-community systems and with the requirement of public notification through the media for all MCL violations applicable to community water systems. A number of alternative analytical techniques for use in determining compliance with the NIPDWR have also been approved by EPA. These additional techniques are listed in the Notice (Section 141.23, 141.24, 141.27).

On February 10, 1978, the U.S. Court of Appeals for the District of Columbia Circuit issued its opinion in the case challenging EPA's promulgation of the December 1975 NIPDWR, *Environmental Defense Fund v. Costle*, 578 F. 2d 337 (D.C. Cir. 1978). The Administrator's decision not to require public water systems at that time to monitor for sodium and sulfates, which were unregulated contaminants, was upheld as being within the proper exercise of authority afforded to the Administrator under the Act. The November 1977 amendments to the SDWA authorize the Administrator to prescribe special monitoring requirements for otherwise unregulated contaminants (this is, contaminants for which MCLs have not been established) and to require public water systems to notify the public of such levels (Sections 1445(a) and 1414(c)).

Special monitoring and notice requirements for sodium have been included in these proposed amendments to the NIPDWR. However, they are not strictly speaking NIPDWR in that they are authorized under Sections 1445(a) and 1414(c) of the Act, rather than Section 1412. Therefore, they will not be required to be adopted by States as a prerequisite to maintaining or obtaining primary enforcement responsibility under Section 1413 of the Act. They will also be separately enforceable.

EPA's monitoring regulations with respect to heavy metals such as lead and cadmium were also challenged in the above mentioned court case involving EPA's initial promulgation of the NIPDWR. The Court's majority opinion found that the monitoring requirements then established for lead and cadmium were within EPA's discretion and were upheld. A dissenting opinion would have partially remanded the regulations to EPA for more extensive testing and reconsideration of the petitioner's arguments in favor of more extensive monitoring requirements for heavy metals. The corrosion control requirements being proposed herein are intended to address the Court's concern in this area.

All existing MCLs will be re-evaluated in light of recently acquired data, particularly that contained in the National Academy of Sciences' report, "Drinking Water and Health," and other information including a comprehensive follow-up study by the National Academy of Sciences now underway. Resulting changes will be reflected in Revised National Primary Drinking Water Regulations to be proposed subsequently.

Microbiological Contaminants

This proposed amendment would allow States additional latitude in determining compliance by small public water systems with the MCL (monthly average) for microbiological contaminants. The existing regulations [40 C.F.R. 141.14(a)(1); (b)(1)(i); (b)(2)(i)] governing microbiological contamination require that public water systems meet the MCL based on a "monthly average" of the results of samples taken to determine the amount of microbiological contamination in the drinking water. The regulations also contain "single sample" requirements which limit the number of coliform bacteria that may be present in a sample taken from a specific location in the distribution system [141.14(a)(2), (3); (b)(1)(i), (ii), (iii); (b)(2)(ii), (iii)]. This amendment does not propose changes in the latter requirements.

The safe Drinking Water Act authorizes EPA to establish minimum sampling requirements for public water systems taking into account several factors including the population at risk. Accordingly, the present regulations require systems to take a minimum number of microbiological samples each month based on the number of persons being served. Thus, for example, systems serving between 25 and 1,000 persons must take at least one sample per month; systems serving between 8,501 and 9,400 persons must take at least 10 samples per month; and systems serving 970,001 to 1,050,000 persons must take at least 300 samples per month.

As stated previously, compliance with the bacteriological standard is determined both on the number of bacteria in a single sample and on the basis of a monthly average of the samples. Smaller systems taking fewer samples are more likely to violate the monthly average standard on the basis of only one sample showing coliform contamination (a "positive" sample) than are larger systems because of the mathematics of the averaging computation. For example, a system taking 10 samples per month with a single positive result of 11 coliforms would violate the monthly standard; whereas, a system taking 100 samples per month with a single positive result of 11 coliforms would not violate the monthly standard; thus, this might lead to erroneous conclusions regarding the quality of the water of the systems. While the EPA recommends that samples known to be defective, due to such occurrences as poor sampling or transit techniques, be discarded by the laboratory director before analysis, it also recognizes that samples can be unknowingly contaminated during the collection process, in transit or in the analytical process. Problems of this nature can impact severely on very small systems and require unwarranted expense of public notification while not increasing public health protection. The problem of one such sample distorting the monthly average primarily impacts systems taking 10 or fewer samples per month (systems that serve less than 9,400 persons).

In order to resolve this problem, EPA proposes to amend 40 CFR § 141.14(a)(1), (b)(1) and (b)(2), to permit State discretion in allowing certain public water systems serving fewer than 9,400 persons to exclude one (but only one) positive routine sample in the calculation to determine compliance with the monthly average if two conditions (safeguards) are satisfied. First, a sample must be collected on each of two consecutive days from the same sampling point beginning within 24 hours after it has been determined that a routine sample is positive as provided for in 40 CFR 141.21 (d)(1)(2)(3). Both of these samples, called "check" samples, must be negative for the presence of coliform bacteria. Otherwise, the positive routine sample must be included in the calculation of the monthly average and, if this results in a violation of 40 CFR § 141.14, the public must be notified under 40 CFR § 141.32 or § 141.16.

Second, regardless of whether the positive routine sample is followed by two consecutive negative "check" samples, the positive routine sample must be reported to the State under 40 CFR § 141.31(a) and a record of the sample must be retained by the public water system for five years under 40 CFR § 141.33(a). This precaution should allow either the State or the Public water system to detect a pattern of positive routine samples which might indicate a persistent problem with the bacteriological quality of the drinking water. This amendment will only be permitted in water systems that practice disinfection and that maintain an active residual disinfectant in the distribution system, and/or in those cases where the State has determined in writing that no unreasonable risk to health would exist as a result of this provision.

The existing regulations and the proposed amendments to the regulations provide three additional safeguards. First, water supply systems utilizing this amendment must take at least one additional routine sample in that period to replace the one that is discarded; second, the amendment can be applied only to one positive routine sample during two consecutive compliance periods (either months or quarters as the case may be). In general, a compliance period is one month, but some public water supplies may be on a quarterly schedule. If a system has more than one positive routine sample in a compliance period, those additional positive samples must be included in the average whether or not they are followed by two negative check samples (Note: EPA believes that more than one positive routine sample per compliance period is a more likely indicator of contamination of the drinking water rather than simple mishandling of the sample). Third, this amendment does not affect the "single sample" test set forth in the microbiological maximum contaminant level. That is, regardless of the monthly average of the microbiological

standards, a system exceeds the standard if the individual or "single samples" taken in any month exceed the maximum levels established in 40 CFR § 141.14(a)(2), (3); § 141.14(b) (1)(ii), (iii); and § 141.14(b)(2)(ii)(iii). It is emphasized that these provisions are not a substitute for proper sampling and analytical procedures including verification but merely provide latitude to the States to deal with small systems in the infrequent event of an improperly conducted sampling or test. It is not the intent of this amendment to allow public water supplies to reject samples known to be properly collected and analyzed.

Investigations into the nature of the problem should be made and corrective measures should be taken, especially in repetitive cases where the amendment is exercised more than once annually.

Comments are solicited on the merits of this modification of the regulations and on the adequacy of the safeguards as well as alternative suggestions for dealing with the problem of possible spurious samples leading to unnecessary public notification. This amendment is being made as an interim proposal while EPA is preparing comprehensive revisions of the microbiological standards for the Revised National Primary Drinking Water Regulations.

The amendment also provides that periods shall be used instead of semi-colons after after 40 CFR § 141.14(a)(1); § 141.14(b)(1)(i); and § 141.14(b)(2)(i) to make it clear that the microbiological limitations are composed of two separate maximum contaminant levels—the "monthly average" standard and the "single sample" standard.

In addition, Section 141.21(a) is being clarified to the effect that suppliers of water for community water systems and non-community water systems may engage the services of approved laboratories to monitor and analyze for coliform bacteria for the purpose of determining compliance with Section 141.14. Contrary to EPA's intent, the existing language in Section 141.21(a) has been interpreted by some to mean that the suppliers of water shall themselves monitor and analyze for coliform bacteria and could not use other private and State laboratories for this purpose. That interpretation was inconsistent with Section 141.28 which requires all analyses except turbidity and free chlorine residual to be performed in a laboratory approved by the State.

Sample Storage Time

Questions have arisen with respect to the preservation and storage of drinking water samples for microbiological analysis. The EPA believes that the samples should be analyzed as soon as possible following collection and certainly within 30 hours of collection. The 14th edition of *Standard Methods for Examination of Water and Wastewater* recommends that samples be processed within one hour of collection. If transit time extends beyond 6 hours, the sample should be refrigerated and consideration given to analysis by a local laboratory facility. *Standard Methods for Examination of Water and Wastewater* further recommends that since drinking water samples often have to be transported by mail, the total elapsed time between collection and analysis should not exceed 30 hours. Under extraordinary circumstances a 48 hour transit time will be permitted, but State programs should be developed to keep transit time to a minimum. Samples awaiting analysis after 48 hours should be rejected. Coliform bacteria, if present, ordinarily exist under starving conditions in high quality drinking water. Death rates of these organisms are greatly influenced by the lack of an organic nutrient source. Coliforms will also irreversibly attach to glass surfaces and thus be effectively lost to both the MF and MPN counting procedures since the organisms cannot easily be removed from the walls of the sample container. In addition, it is emphasized that long holding times can lead to excessive bacterial growth in the sample and essentially mask the true count of coliforms which could lead to erroneous conclusions. Finally, exceedingly long periods of time between collection and analysis of the water samples (transit time) may allow contamination to go unnoticed.

Additional studies on the preservation of drinking water samples for coliform determination and the time intervals between sampling and analysis are underway and should provide additional information within the next few months.

Alternative Analytical Methods

The National Interim Primary Drinking Water Regulations specify, in most cases, a single analytical procedure for determining the concentration of each contaminant. However, Section 141.27 states that alternative analytical techniques may be used with the written permission of the State, and with the concurrence of the Administrator of the U.S. Environmental Protection Agency. Proposals for an alternate method for nationwide use are initially evaluated by the EPA's Environmental Monitoring Support Laboratory (EMSL) with final review by the EPA's Office of Drinking Water. In order for an alternative method to be approved it must be deemed substantially equivalent to the prescribed test with precision and accuracy. In addition, the use of an alternate analytical method for determination of compliance with any maximum contaminant level (MCL) does not change the frequency of monitoring required.

A number of alternative analytical techniques have been approved by EPA at the request of some of the States. These techniques have been determined to be equivalent methods and are now acceptable for determining compliance with the NIPDWR. In addition to the alternative analytical methods now approved, several references ASTM methods, essentially identical to the originally specified procedures, have been added for the convenience of analysts. This proposed amendment incorporates approved analytical techniques and ASTM methods into the NIPDWR.

It should be noted that flameless atomic absorption, graphite furnace technique, requested by several States as an alternative method to conventional atomic absorption analysis, will soon be published in a revision of the 1974 EPA Methods Manual. In the meantime, the procedure "Methods for Metals in Drinking Water" (Interim Procedure) is available from the Director of the Environmental Monitoring and Support Laboratory, EPA, 26 West St. Clair Street, Cincinnati, Ohio 45268.

Monitoring for Sodium in Drinking Water

This proposed amendment requires (1) monitoring of sodium levels in drinking water by community water supply systems at least annually for surface water systems and at least every three years for systems using groundwater sources. In addition, (2) suppliers must report the levels to EPA within ten days of receipt of the results and (3) suppliers must notify the public.

The sodium ion is an ubiuitous constituent of natural waters. It is derived geologically from the leaching of surface and underground deposits of salts such as sodium chloride, from the decomposition of sodium aluminum silicates and similar minerals and from the intrusion of sea water into fresh aquifiers. Salt spray from the sea is often the largest contributor of sodium ions within 50–100 miles of the seacoast. Some soils exhibit the property of ion exchange in which calcium ions in the water are replaced by sodium ions during normal leaching.

Human activities also contribute sodium ions to natural waters. The sodium chloride used as a deicing agent on roads enters water supplies in runoff from both roads and storage depots. Municipal use of water typically results in the addition of 20–50 mg/liter of sodium ion, primarily from urine and washing products. Procedures for water treatment often produce a finished water with geater sodium-ion concentration than the raw water from which it was derived. Sources of sodium ion in the treatment of water include sodium hypochlorite, sodium hydroxide, sodium carbonate and sodium silicate. Ion exchange softening, including home water softeners, may also significantly increase the sodium ion concentration in finished drinking water.

Information available at this time indicates that sodium concentrations can be extremely variable, both in surface and ground waters, depending on local circumstances. As a general rule, deep wells, unaffected by surface phenomena, tend to have relatively stable sodium concentrations. Other ground waters are affected by rainfall, and particularly in northern areas, by the use of sodium salts in de-icing of highways. Surface waters tend to show seasonal variations, and of course are affected by run-off, spills, and droughts.

Evidence indicates that excessive sodium intake contributes to an age related increase in blood pressure that culminates in hypertension in genetically susceptible people. Furthermore, in a recent study, high school students living in a community distributing drinking water having sodium concentration levels of 100 mg/1 had higher blood pressure levels than those residing in a community distributing water having a low sodium concentration level of 8 mg/1.

The NAS has estimated that about 15 to 20% of the population are at the risk of developing hypertension. Also a small segment of the U.S. population is on severely restricted diets which require a total sodium intake or less than 500 mg/day. These persons need water containing less than 20 mg/liter sodium ion. The EPA recommends that 20 mg/1 be a goal for public water systems.

A larger portion of the population, about 3%, is on sodium-restricted diets calling for sodium intake of less than 2,000 mg/day. Sodium intake from food is generally by far the major source of sodium intake. However, in many instances, where high sodium concentration levels in the drinking water occur, the contribution of sodium by water may constitute a significant fraction of the total sodium intake. Therefore, knowledge of the sodium ion content of the water supply and maintenance of it at the lowest practicable concentration is critical in arranging diets for persons who require a low sodium diet.

The current National Interim Primary Drinking Water Regulations (40 *FR* 59566) do not contain a MCL for sodium and monitoring is not required for this substance. EPA recommended in the NIPDWR and the proposed Secondary Drinking Water regulations (42 *FR* 17143) that States voluntarily monitor for sodium so that the public and physicians may be informed of the sodium content of available drinking water and so that they may take appropriate action when certain levels are exceeded. In addition, the National Academy of Sciences included sodium in its study of the health effects of inorganic chemicals and recommended that sodium concentration in water should be maintained at the minimum possible, and that provisions should be made for notifying persons on low sodium diets.

The sodium content of public water supplies should be known and this information should be disseminated so that persons who must restrict their sodium intake will be able to make appropriate adjustments to their diets.

Sodium was one of the issues of a petition for review of the NIPDWR. It was argued that monitoring for sodium should be mandatory rather than voluntary. The Court indicated that the study carried out by NAS may aid EPA in re-evaluating its approach to sodium. In the meantime, the 1977 Amendments to Sections 1414(c) and 1445(a) of the Safe Drinking Water Act have clarified EPA's authority to require monitoring, reporting and public notification of levels of any contaminant for which a MCL has not been established.

This proposed amendment establishes special monitoring, reporting and public notification requirements for sodium, and otherwise unregulated contaminant, as now authorized by the SDWA. Although it appears in 40 CFR Part 141, it has not, strikctly speaking, a NIPDWR. Therefore, it has been included in Subpart E of Part 141 which was established when EPA promulgated special monitoring requirements for organic chemicals in drinking water in 1975 (40 *FR* 59588, December 24, 1975). States will not be required to adopt these special requirements for sodium as a condition for maintaining or obtaining primary enforcement responsibility under Section 1413 of the SDWA. These requirements will be enforceable by EPA under the separate enforcement authorities provided under Sections 1414(c) and 1415 of the SDWA. Nevertheless, States are strongly urged to adopt these requirements as State drinking water regulations to minimize the federal enforcement role in primacy States. For this reason, it is proposed that these requirements would be effective 18 months following promulgation to afford States ample time to adopt these requirements. Comment is solicited as to whether these requirements should be made effective sooner.

The purpose of a sodium monitoring program is the assurance that affected persons are informed, in order to make any necessary adjustments in water usage. Suppliers of the water will be required to report to EPA the results of such sodium monitoring within 10 days follwing receipt of the reults. Results should be reported to the State instead, where the State has adopted these regulations. In addition, the supplier will be required to notify consumers and physicians of the sodium content of the water by either inclusion of a notice in the water bills of the system, or by any other regular mailing or by any other effective means within three months. The supplier of water will also be require to notify the State and appropirate local public health officials (local health department and physicians), of the sodium levels by written notice within three months. However, where the State has adopted this regulation and provides the notice to the local public health officials, the supplier may be relieved of this particular notice requirement. A copy of each notice sent in compliance with these requirements must be sent to EPA within 10 days of its issuance.

Comments are solicited regarding the merits of the proposed notification procedures. In those States that adopt these sodium monitoring, reporting and public notification requirements, it may not be necessary for suppliers of water to notify EPA at all, the States may wish to assume responsibility for notifying appropriate local health officials themselves. Another possible option is to limit public notification of the sodium levels in drinking water to physicians, without direct consumer notification. However, incorporation of such information in regularly issued water bills may be the most economical and efficient means for notification. Some water systems already routinely include water quality information with water bills, and other systems have found occasion to include such notice in bills under existing regulations.

It is proposed that monitoring and reporting of sodium concentration levels be performed at least annually in all community water systems utilizing surface water sources and at least every three years for community water systems utilizing only ground water sources beginning 18 months following promulgation. However, States and EPA may establish more frequent monitoring and reporting requirements in instances where it is suspected that significant fluctuation of seasonal variation in sodium concentration levels in the water supply occurs.

Analysis of sodium can be performed rapidly by the flame photometric method (*Standard Methods*, 14th ed., pg. 250) or by Atomic Absorption (*Methods for Chemical Analysis of Water and Waste*, pg. 147). It is estimated that a single sodium analysis performed by these methods will cost about $5, and a laboratory performing multiple sodium analyses can achieve considerable economy reducing the cost per sample to $2 or less.

At these rates, the total national cost to meet the monitoring requirements for sodium would range between $100,000 and $250,000 for the 60,000 community water supply systems involved. On the basis of these cost estimates, the additional annual monitoring cost increase per capita is expected to range from $0.08 to $0.20 for systems serving 25 people to less than $0.01 for systems serving more than 500 people. It should be noted that some States already either require or recommend monitoring for sodium, and some have established limits for sodium in drinking water; thus water suppliers who already monitor for sodium will not be impacted by this proposed regulation.

Comments are solicited regading the merits of the proposed notification procedures. The incorporation of information on the sodium content of water in regular bills might often be the most economical and efficient means for notification. Some water systems already routinely include water quality information with water bills, and other systems have found occasion to include notices of one sort or another in such bills as required by existing regulations. Comment is solicited on this option, as well as on the merits of more direct notification procedures in regard to sodium concentrations.

In addition, EPA is studying the feasibility of establishing Maximum Contaminant Levels (MCLs) for sodium in the Revised Primary Drinking Water Regulations. Comments are solicited on factors for determining the appropriate MCL, monitoring frequencies, and treatment technologies for sodium.

Fluoride

For more than 30 years, the controlled fluoridation of municipal water supplies has benefited the dental health of the nation. President Carter has expressed his personal endorsement of fluoridation as a safe, effective public health measure, and has promised the support of his Administration in speeding the time when "all Americans will share in the benefits that modern medicine has made possible." The Surgeon General and the U.S. Public Health Service strongly endorse the fluoridation of community water supplies at recommended concentrations, and stress that making fluoridated drinking water available to its residents is the single most important step a community can take to improve dental health. The EPA also endorses and encourages the practice of controlled fluoridation of community water supplies at recommended concentrations.

In light of this policy, a recent report by the General Accounting Office (GAO) noted that there has been some confusion as to the significance of the listing of a MCL for fluoride. For clarification and at the suggestion of the GAO, the EPA is proposing to amend Section 141.11 to include a statement which explains that fluoride at optimal levels can have beneficial effects in reducing the occurrence of tooth decay. By setting the MCL, the Agency did not want to give the impression that fluoride should be considered as a detrimental contaminant at concentration levels in drinking water below the MCL. While optimal levels of fluoride have beneficial effects, the MCL was established to protect against high concentrations of fluoride which can cause tooth damage (moderate to severe dental fluorosis). Thus, the establishment of a MCL and an acknowledgment of the benefits of fluoride in drinking water at optimum levels is not a contradiction. Other substances for which MCLs have been established may also have beneficial effects at levels below the MCL.

Compliance Monitoring and Record Maintenance

The purpose of this amendment is to clarify that monitoring samples that are taken by the State may be used to determine compliance with the NIPDWR. The present regulations state that compliance with any maximum contaminant level (MCL) is to be determined pursuant to the applicable monitoring and analysis requirements set forth in Subpart C of the NIPDWR. However, the monitoring and analysis requirements are directly applicable to the suppliers of water, and it is unclear as to whether the results of such compliance sampling performed by the supplier were meant to be the only samples that could be used to determine compliance with the regulations.

The language of this amendment will clarify that the State in a primacy State or the EPA in a non-primacy State under Subpart C of the NIPDWR has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.

In addition, a statement is being proposed to be included in the NIPDWR which would clarify that the water supplier would submit upon request to the State any records required to be maintained by the NIPDWR.

Corrosion Control

Section 141.30 is being added to require community water systems, as designated by the State, to carry out a corrosion control program which would initially identify the presence and source of corrosion products and follow with implementation of corrosion control measures. It is expected that States would designate only those systems that have problems with corrosive waters, and the amendment requires designation and initiation of the corrosion control program within 18 months of promulgation.

The corrosivity of drinking water is a parameter which has significant health and economic aspecs as well at aesthetic significance. The products of corrosion involving the aesthetic factor are dealt with in the National Secondary Drinking Water Regulations. Corrosivity is addressed in the primary regulations on the basis of health effects associated with the presence of such contaminants as metals and organic compounds being products of corrosion in the distribution system.

The question of the contribution of waterborne contaminants as opposed to air, food and dust sources on the total body burden, is being carefully examined. It is clear, however, in many circumstances, elevated lead levels, as well as elevated levels of cadmium, copper, zinc, asbestos and organic compounds in drinking water are caused by leaching from distribution systems as the result of the corrosive action of water.

Water supply systems distributing soft, aggressive waters are the most vulnerable to contamination by

corrosion products which adversely affect the public health.

In addition to the adverse health effects attributable to lead and cadmium, particularly, the NAS in "Drinking Water and Health" pointed out that increased incidence of cardiovascular disease appears to be associated with the consumption of soft, corrosive water. Certain trace metals are found in higher concentrations in soft than in hard water. Several such metals have been suggested as possible intermediaries in the increased cardiovascular disease rates associated with soft water. Based on very limited data, cadmium, lead, copper and zinc have been suspected to be possibly involved in the induction of cardiovascular disease. These metals often occur in plumbing materials and have been found to leach into soft drinking water.

There are a number of other hypotheses offered on how components of drinking water may affect cardiovascular function and disease; these generally fall into these classes:

1. that one or more of the principal "bulk" constituents of hardness in tap water are protective. Calcium and magnesium are the principal cations mentioned.

2. that one or more of the trace elements that tend to be present in hard water are protective.

3. that soft water contains some harmful elements,

4. that other factors are involved.

Regardless of the protective mechanisms, a voluminous body of literature suggests that in the United States and other developed nations, the incidence of many chronic diseases, but particularly cardiovascular diseases (heart disease, hypertension, and stroke), may be associated with various water characteristics related to hardness. Most of these reports indicate an *inverse* correlation between the incidence of cardiovascular disease and the amount of hardness.

Measures taken to reduce the corrosivity of water also modify the hardness or softness of the water, and thus may have a significant health as well as economic benefit.

The existing regulations governing the monitoring for inorganic compounds require that one sample per year for surface sources and one sample every three years for ground water sources be collected for analysis (40 CFR 141.23). However, these monitoring requirements are not adequate to assess the overall health risk associated with a community's water supply. The major source of lead, cadmium and other constituents in a drinking water supply can be from the corrosion of distribution and service lines and home plumbing systems, rather than from source waters. Occurrence of these contaminants is a function both of water quality and distribution system factors; thus only a monitoring and surveillance program, including a broad enough cross-section of households and high enough frequency of sampling while seeking out high probability areas, would be able to detect the presence of specific substances as a result of the corrosive action of the water.

The current monitoring requirements of the NIPDWR for heavy metals such as lead and cadmium were the subject, in part, of a petition for review of the primary regulations. The majority opinion of the Court deciding on the petition upheld the regulations as written, but suggested that more comprehensive monitoring of such contaminants might be considered. One judge expressed a dissenting view that EPA had not adequately addressed the petitioner's concerns about increased monitoring for lead and cadmium, and recommended remanding the regulations for incorporation of more extensive monitoring requirements.

In order to assure that corrosion-related compounds are adequately controlled, it is being proposed that a corrosion control program be implemented by those community water systems that have problems with corrosive waters under the direction of the State. States having primary enforcement responsibilty must determine and designate which water supply systems need to take action to identify and correct corrosive water problems by systems surveys, monitoring for corrosion related contaminants and by implementing corrosion control measures. Also, the State will oversee the administration of the corrosion control program and provide technical assistance where necessary, and report to EPA on the progress of such programs in their annual reports to the EPA as required in 40 CFR 141. Designation of the water supply systems and initiation of the corrosion control program would be required within 18 months of promulgation.

Any State determination that no public water system under its jurisdiction needs a corrosion control program will be reviewed annually by EPA. For purposes of maintaining or obtaining primary enforcement responsibility, after the effective date of these requirements, such a State will be required to demonstrate that it has adequate regulatory authority to (1) designate any system as needing a corrosion control program in the future and (2) to specify corrosion control requirements for any such system designated.

The proposed corrosion control program is summarized in the following statements:

(1) States would designate which community water supply systems would need to initiate surveys and control measures;

(2) States would set a schedule for implementation of the surveys and control measures;

(3) States would oversee the programs and provide technical assistance; and,

(4) States would report annually to EPA on the progress.

A number of approaches are available to survey the distribution systems to identify the presence and locations of materials which have the potential for contaminating drinking water supplies. These include, among others, consulting records, surveys at the consumers' homes, questionnaires, and possibly meter readers gathering information. It should be noted that home plumbing systems should be included in the survey. Although home plumbing systems may or may not be under the direct control of the water supplier, it is still necessary to identify the piping used to determine whether it may be a source of contamination which may be affected by corrosive waters.

The purpose of the sampling program is to provide a representative range of values establishing the frequency of occurrence and extent of contamination by such parameters as lead, cadmium, asbestos and organic compounds.

To ensure confidence in the results of monitoring, it is essential that the selection of sample sites, the frequency, number and manner of collection of samples take into account local and seasonal variations in water quality and other parameters afecting corrosivity which in turn influences contaminant concentrations at the consumers' taps. It is suggested that samples be taken from locations in the distribution system or at the consumer's tap where maximum contaminant concentration levels occur. Selection of such appropriate sample sites requires the evaluation of the physical properties of each particular distribution system.

Following identification of corrosive waters and resultant contaminants, steps should be taken to control the corrosion to the extent feasible. One of the problems associated with identification of and implementation of corrosion control measures is that there

are no simple, generally available means for measuring the corrosivity of water. There are a number of tests available for the determination of the corrosive properties of water utilizing pipe sections, metal coupons or water analyses. Unfortunately, most of these tests are not univerally applicable.

However, in many instances, an index or indices measuring the calcium carbonate stability of the water may be an acceptable measure of corrosivity. Although calcium carbonate stability indices are not ideal as a determinant for coorrosivity in all instances, they are applicable in the majority of cases to assess whether the water is corrosive.

The Agency is considering in this proposal establishing a MCL or MCLs for corrosion using one or more corrosivity indices. Further, the Agency believes that some corrosivity indices could be used as criteria by the State in classifying the corrosivity of the water at public water supplies. However, the Agency realizes that in some instances water may be rendered non-corrosive by means other than calcium carbonate stabilization such as the addition of corrosion inhibitors including zinc phosphates, sodium silicates and others. Therefore, allowances would be made for methods achieving non-corrosive waters not meeting a MCL based on the calcium carbonate stability of the water.

Among the indices being considered as MCLs for the appropriate circumstances are the Langelier Index (LI), the Ryznar Index (RI) or the Aggressive Index (AI) established in AWWA Standard C-400.

The Langelier Index defines the tendency of the water to form or dissolve calcium carbonate scales by comparing the saturation pH of the calcium carbonate (pHs) with the measured pH of the water, LI=pH−pHs. While negative values resulting from the difference between pH and pHs express the tendency of the water to be corrosive, positive values express a supersaturated condition indicating the formation of a protective scale of calcium carbonate on interior surfaces of the distribution system. At equilibrium, the LI has a value of 0.

The Ryznar Index is also calculated from the pHs of calcium carbonate saturation by the formula, RI=2 pHs−pH, and provides an indication of the relative scale forming or aggresive tendencies of the water. Calcium carbonate scale deposition increases proportionally as the index drops below 6, and corrosion increases as it rises above 6, with extremely aggressive conditions for values of 10 and above.

The Aggressive Index, established as a criterion for determining the quality of the water that can be transported through asbestos cement pipe without adverse effects, is calculated from the pH, calcium hardness (H) and the total alkalinity (A) of the water by the formula AI=pH+log (AH). An AI of 12 or above indicates non-aggressive water, while values of 10–11.9 is a possible indication of moderately aggressive conditions. AI values below 10 indicate extremely aggressive conditions.

Therefore, the MCLs being considered for corrosion are the following: LI>0, RI<6 and/or AI>12. For additional details regarding these indices and corrosion control measures, see the Statement of Basis and Purpose document.

Corrosive water is very costly to public water systems and consumers. The institution of corrosion control practices will result in cost savings as well as significantly reduce human exposure to many toxic substances.

Comments are solicited on all aspects of the proposed corrosion control program. The Agency recognizes that a sufficient amount of time will be necessary to complete the surveys and to implement the monitoring and corrosion control measures in order to minimize burdens on the financial, manpower and other resources available. Therefore, comments are solicited regarding the time frame to be allotted between the promulgation of this amendment and the deadline for compliance. In addition, comments are solicited on the merits of the proposed corrosion control program, on specific aspects of implementation of the programs by community water systems, and on the resources necessary to implement the program, including financial aspects and manpower requirements at the federal, state and local levels, and on reporting requirements.

Furthermore, the Agency is specifically soliciting comments regarding the establishment of MCLs based upon corrosivity indices for inclusion in these regulations upon promulgation.

Noncommunity Water Systems

The existing regulations recognize the difference between community and non-community systems in the applicability of different MCL and monitoring requirements. These proposed modifications further delineate and define this difference and the protection and surveillance that the Agency expects the States to exercise over the unique class of non-community systems. These modifications, for non-community water systems, provide an additional year for completion of nitrate monitoring, allow designated non-community systems to exceed the 10 mg/1 nitrate level under certain specified conditions, and modify the bacteriological and turbidity monitoring frequency and public notification measures. The rationale is discussed in the following paragraphs. It is emphasized that these amendments are consistent with the non-community water supply systems strategy which will be published in the Federal Register.

Turbidity Monitoring Frequency

This proposed amendment will allow States additional latitude in determining compliance with the turbidity MCL by non-community water systems. The present regulations [40 CFR § 141.22(a)] require that all systems sample drinking water for turbidity (cloudiness) at least once per day. EPA believes that this rigid requirement may not necessarily be appropriate for all non-community systems. Particular hardship may result because of the cost of monitoring. Congress expected that sampling frequency should be prescribed for systems taking population at risk and local conditions into account. (H. Rep. 93–1185, page 15). Accordingly, this proposed amendment would provide that States may allow a non-community water system to reduce its sampling frequency for turbidity to less than daily if the State determines and documents in writing that a specified reducing sampling frequency would not pose a health risk to the consumers served by that system.

The monitoring frequency determined by the State should reflect anticipated situations where turbidity may be elevated. In making this determination, States should perform a sanitary survey, as well as consider whether the area served by the public water system has a history of waterborne disease and whether the system and raw water source of the system is protected from significant microbiological contamination. Reducing the monitoring frequency will only be permitted where disinfection is practiced, and where a disinfectant residual is maintained in the distribution system. This amendment does not affect the maximum contaminant level for turbidity. Therefore, appropriate enforcement action may still be taken against non-community supplies who are found to exceed the MCL notwithstanding less frequent monitoring. Where turbidity

problems are found, the monitoring frequency should be increased.

EPA anticipates that non-community systems that are required to conduct turbidity monitoring at a reduced frequency may forward water samples to an approved or certified laboratory. The sample of water should be taken at such a time where the analysis can be made on the day the sample was taken. If longer storage is unavoidable, the sample may be stored in the dark for up to 24 hours. (*Standard Methods*, 14 ed., p. 132.)

Although this amendment allows latitude in the monitoring frequency for turbidity specifically for non-community water systems, such water systems should rely on the installation and operation of appropriate water treatment, including coagulation, sedimentation, filtration and disinfection to protect the public health from contamination of drinking water sources.

Nitrate

In many States, nitrate sampling and analyses have been performed for the non-community systems by the States and the States need more time to complete analyses. The Agency is proposing to modify the analysis completion date in 40 CFR § 141.23(a)(3) for nitrates for non-community systems from June 24, 1979, to June 24, 1980, in recognition of unavailability of laboratory capability to handle the large number of analyses in this short period of time. The Agency realizes that the States have initially been concentrating on community water systems and are now placing emphasis upon inventorying the non-community systems and another year before analyses are required would provide relief that is warranted.

It is also being proposed to allow nitrate levels to exceed the 10 mg/1 standard (up to 20 mg/1) for certain non-community systems which apply appropriate control measures. This is proposed in recognition of the fact that water in certain non-community systems, such as industrial plants, does not pose an acute health threat even if the 10 mg/1 nitrate standard is exceeded, because of the limited, adult population consuming that water. The modification also recognizes that the expenses necessary to treat for excessive nitrate levels may be beyond the capacity of the non-community system.

This waiver may only be granted by the State when (1) it is shown that such water will not be available to children under six months of age; (2) there will be a continuous posting of the fact that nitrate levels exceed 10 mg/1 and the potential health effects of exposure; (3) local physicians will be notified of nitrate levels that exceed 10 mg/1; (4) nitrites are not present in the water; and (5) no adverse health effects will result. Such a relaxation, however, does not apply to community water systems whose customers may be adversely affected from long-term exposure and only reflects the unique characteristics of the non-community systems. Section 141.11 is thus being amended to give discretionary authority to the States to allow nitrate levels up to 20 mg/1 in particular non-community systems and under specified conditions.

Comment is solicited as to the merits of extending the deadline for nitrate monitoring by non-community public water supplies and of allowing such systems to exceed the nitrate MCL up to 20 mg/1 under specified conditions.

Public Notice

Modifications to the public notice provisions of the NIPDWR are being proposed for non-community water systems. With respect to public notification, the transient users of a non-community water system, unlike those residents of a community system, are not expected to be interested in the past problems of the non-community system nor to provide any support for the correction of those previous problems. The paramount concern of the transient users is the quality of the drinking water at the time of use. This the proposal is to ensure that concurrent users are made aware of any deficient water quality and not to require notice of previous problems that have been corrected. Section 141.32(d) is being amended to require public notification to consumers of water supplied by non-community systems through continuous posting of violations of the NIPDWR and of the existence of variances and exemptions as long as they continue.

Comment is solicited as to whether this modifed public notification requirement will adequately inform users of non-community systems of the quality of the water should certain systems (i.e., schools) be excluded.

Coliform Monitoring

At present under 40 CFR § 141.21(c), the bacteriological monitoring frequency for non-community water systems can be modified by the State based upon the results of a sanitary survey which is defined under § 141.2(f). EPA proposes an amendment to provide the States with the discretion to modify this monitoring frequency based upon other factors, such as historical records or adequate well code enforcement, in addition to sanitary survey results. However, at least one coliform analysis must be performed before the monitoring frequency may be reduced. In proposing this the Agency is recognizing the fact that in some circumstances other factors may be just as reliable as a sanitary survey in judging the non-community system's ability to consistently produce safe drinking water.

This proposed amendment to Section 141.21 (c) would allow subsequent to initial sampling the States to exercise their discretion on a case-by-case basis to reduce or increase the sampling frequency of non-community systems for microbiological contamination based upon results of sanitary surveys, the existence of historical data regarding bacteriological quality of water, the existence of a prudently designed well construction code and conscientious enforcement thereof, or other appropriate factors. Thus, under these proposed amendments to the regulations, the States would have increased discretion to modify the monitoring, reporting and public notification requirements applicable to individual non-community water systems depending upon the characteristics of such systems.

Comments are solicited on the merits of the proposed amendments for the non-community systems.

Reporting of Compliance Data

Section 141.31(a) is proposed to be amended to require the suppliers of water to report the results of measurement or analysis to the primary enforcement agency no later than the tenth day of the month following the month in which the sample results are received by the system owner. The NIPDWR presently require that results be reported within 40 days following a test, and this amendment will enable the State to determine compliance by a water system within month's time. It can take almost two months to determine compliance under the current provisions of Section 141.31(a) which defeats the possibility of prompt corrective action. In addition, it is proposed to add Section 141.31(e) which states that water supply systems shall submit to the State upon request any records required to be maintained by the NIPDWR.

Public Notification

Under section 1414(c) of the SDWA and 40 CFR § 141.32 of the NIPDWR, a community water system is required to notify the public immediately through

notices in newspaper and the radio and television media of any failure to comply with an applicable MCL in addition to notifying its customers through water bills or by direct mail within three months of such failure.

An amendment to § 141.32(b) is proposed to provide greater latitude to the States to waive the media notification requirements applicable to a community water system under circumstances where such notification would not be meaningful; that is, where a violation has been corrected promptly after discovery, the cause of the violation has been effectively eliminated and the violation has not posed a risk to public health. Consumer notice as required by § 141.32(a) Would remain unchanged by this amendment.

EPA believes that this limited modification of the media notification requirements is authorized by the SDWA as well as consistent with its legislative history. Section 1414(c) gives the Administrator the discretion to establish by regulation the form, manner and frequency for giving public notice. It was contemplated that such regulations would be reasonably designed to implement the purposes of the SDWA, while not unduly burdening public water systems with unnecessary and counter-productive requirements. Thus, in House Report No. 93–1185 accompanying the SDWA, Congress explained that:

> The purpose of this notice requirement is to educate the public as to the extent to which public water systems serving them are performing inadequately in light of the objectives and requirements of this bill. Such public education is deemed essential by the Committee in order to develop public awareness of the problems facing public water systems, to encourage a willingness to support greater expenditures at all levels of government to assist in solving these problems, and to advise the public of potential or actual health hazards. (at page 24)

This public education function is well served by consumer notification of any failure to comply with a MCL, as well as media notification of continous violations or where the cause of the violation has not been duly corrected. Violations that are promptly corrected are not likely to be those which pose serious or long-term public health problems. Moreover, since the State is required to make an affirmative determination that a waiver of media notification is appropriate for any given circumstance, such waivers can certainly be denied where media notification would nevertheless be meaningful in terms of advising the public of any serious problem. No waiver would be appropriate, for example, where a system had a history of violations or where only interim measures had been taken to correct the problem. The good faith efforts of the system to comply and the nature of the violation should also be taken into account.

The House Report accompanying the passage of the SDWA also supports an interpretation that Congress intended that the three-month consumer notice would be sufficient under most situations to notify the public of corrected violations. Thus, Congress stated: "The Administrator's regulations should also require that *the three-month notice* include all violations not previously reported, even though they have been corrected at the time of notification." (emphasis added, at p. 24). The Three-month notice requirement refers to the consumer notice required by Section 141.32(a). This language is interpreted as providing greater flexibility to the Administrator to allow for waiver of the Section 141.32(b) requirements of media notification for corrected violations under appropriate circumstances so long as the purposes of the SDWA are not violated or circumvented. This is consistent with Congress' concern that public notification not unduly alarm the public.

This proposed amendment also attempts to be responsive to comments received from States and public water systems which expressed concern regarding the expense of media notification. Such expense is surely warranted where the public is informed of recurring violations or violations of a continuous nature. However, where violations have been corrected promptly after discovery and the cause of the violation effectively eliminated, such expense becomes less justified. Thus, we have chosen not to allow for waiver of the media notification requirements for every case where a violation has been corrected prior to the time that the notice would be issued. The public education function of the media notification requirements will still be served under most circumstances.

In addition, it is being proposed to add Section 141.31(d) which would require water systems to submit to the State, within ten days of the completion of public notification, a representative copy of each type of notice distributed, published, posted, and/or mode available to the persons served by the system and/or to the media.

Comments are solicited on the proposed amendments for the public notification procedure.

Economic and Energy Assessment

A detailed regulatory analysis of the proposed amendments was not conducted due to the routine nature of the amendments and the expected decrease in the economic burden associated with these amended National Interim Primary Drinking Water Regulations (NIPDWR). Further, these amendments are geneally not expected to have significant impacts upon resources or reporting requirements. The economics associated with each of the amendments are explained below. Energy impacts are negligible.

Changes in the microbiological monitoring and reporting requirements result in unquantifiable but known savings to local water supply facilities. The savings reflect fewer public notifications. Although these savings are relatively small on a national scale, they are significant to the water utilities affected.

It is anticipated that the proposed alternate analytical methods will have a minimal economic impact. For those laboratories that are presently utilizing the equipment for the new alternate methods, there will be cost savings, since the need for equipment purchase for the previously accepted methods will be eliminated. No changes in costs are expected in laboratories that do not adopt these procedures. The overall economic effect of the alternate procedures should be no cost increase, and in some cases a cost savings, since a greater analytical flexibility will be provided.

Changes in the regulations which affect non-community water systems will result in savings associated with reduced monitoring and public notification. Again, the extent of these reductions will be small in terms of national costs, but may be significant for individual suppliers.

Changes in public notification requirements will decrease costs. Some of these savings will be significant for small supplies.

Changes in the fluoride regulations are only for clarification, and will not affect the associated cost in any way.

As indicated previously, a requirement for monitoring and notification of sodium concentrations in drinking water will result in new costs to drinking water utilities. Total national annual costs associated with this regulation would range from $100,000 to $250,000. Annual per capita costs for the smallest systems (25–500 customers) are expected to range from $0.20–$0.08. For larger systems, such costs would be less than $0.01. These new costs do not

impact all public water systems because some States already require sodium monitoring.

The corrosion control program in the proposed regulation will add a small increment of cost for utilities determined to have corrosive waters as compared to a significant benefit in (1) reduction of contaminants at the consumer's tap (such as lead) and (2) cost savings due to extending the useful life of distribution system materials.

The corrosion control programs will involve additional monitoring, possible treatment technology applications, and an increase in the workloads of State program staffs.

Many systems have already instituted corrosion control measures and thus these regulations will not impact those systems. Therefore, the estimate given below should be considered as a maximum level and it is expected that the total annual cost would be much less. While a precise count of the number of systems that will be impacted by these regulations cannot be made, a study conducted in 1976 estimated that approximately half of the water supply systems in the country have problems associated with corrosive water. A study estimated that the national annual costs of stabilizing corrosive waters would be approximately $27 million which in turn would result in an estimated economic savings of $375 million annually. The following information was used in this estimate: a total population of 180 million persons is served by community water systems; investment in community water-distribution systems comprises about 60 percent of the capital cost of water utilities; replacement cost of community systems is estimated to be $125 billion; sixty percent of the total is $75 billion; even with stable waters, distribution capacity of new piping declines with age at a rate of 1 percent/year and with unstable waters the decline commonly doubles thus producing an excess loss of 1 percent per year; and half of the water supply systems have problems of corrosive water.

The specific costs associated with stabilizing corrosive water are presented in the Statement of Basis and Purpose. For example, using line for pH control, it is estimated that the total annual per capita costs for the smallest systems (25–500 customers) range from $16.40 to $5.00. For larger systems (50,000–1 million customers) such costs would be $0.80–$0.25. A recent estimate (see the Basis and Purpose Document) has determined that 16% of public water supply systems have aggressive waters. Certainly, many of these studies have already instituted corrosion control measures; thus, the above costs will not impact those systems.

In regards to monitoring associated with the proposed corrosion control program, the specific analytical methods do not generally require sophisticated equipment and procedures. The corrosion indices involve measurement of such parameters as hardness, alkalinity, pH, total dissolved solids, and temperature; in a number of cases, the water supply system will need to analyze for more specific parameters such as lead but it is not expected to be of any cost significance. Thus, the costs of monitoring are not expected to be significant.

Comments are solicited on the resource impacts of these proposed amendments including costs and resource implications at the Federal, State and local levels.

Comments and Public Hearing

Drafts of these proposed amendments have been reviewed by EPA Regional offices, State program officials, a number of water utilities, the State Liaison Group of the Committee of State Sanitary Engineers, and the National Drinking Water Advisory Council (NDWAC). Comments were received and incorporated into these amendments as appropriate. Most comments received were favorable to the proposed amendments because of the additional latitude provided for meeting the NIPDWR. In addition, a number of comments were received specific to a number of the amendments. Among these were comments on the following: the population cut-off for the microbiological amendments, the application of the amendments for turbidity monitoring to both community and non-community systems, the sodium reporting requirements, the amendments to the nitrate MCL for non-community water systems, and the corrosion control program. Comments received to date will receive further consideration along with comments to be received on these proposed regulations.

Interested persons may participate in this rule-making process by submitting written comments in triplicate to the Comment Clerk, Amended National Interim Primary Drinking Water Regulations, Office of Drinking Water (WH-550), EPA, 401 M Street, S.W., Washington, D.C. 20460.

Further information may be obtained from Craig D. Vogt, Chief, Science and Technology Branch, Criteria and Standards Division, ODW (WH-550), EPA, 401 M Street, S.W., Washington, D.C. 20460.

Comments are solicited on the merits of all of the aspects of these proposed amendments of the NIPDWR and in particular on the microbiological modifications and the adequacy of the safeguards, on the alternative analytical methods, on the sodium monitoring requirements, on the corrosion control program and on the proposed MCLs for corrosivity, on the changes in the non-community regulations, and on the public notification requirements. Comments should be received on or before September 17, 1979. The record will remain open for public inspection and inclusion of additional comments as appropriate. The proposed effective date is immediately upon promulgation except that the requirements for sodium monitoring and corrosion control will be effective 18 months after date of promulgation. The Statement of Basis and Purpose Document which provides additional supporting information for the sodium and corrosion control requirements is available upon request at EPA headquarters, 401 M Street, S.W., Washington, D.C., and for reading at EPA regional offices. A public hearing on these proposed amendments will be held at EPA, Waterside Mall, Room 2126, 401 M St., S.W., Washington, D.C., on August 29, beginning at 9:00 am. Persons wishing to attend are requested to confirm their attendance by telephone (202–472–5030).

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.

Dated: July 12, 1979.

Douglas M. Costle,

Administrator.

Accordingly, 40 CFR Part 141 is amended as follows:

1. Amending § 141.14(a)(1) to read as follows:

§ 141.14 Maximum microbiological contaminant levels.

(a) * * *

(1) One per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to § 141.21 (b) or (c), except that, at State discretion systems required to take 10 or fewer samples per month may be authorized to exclude one positive routine sample per month from the monthly calculation if: (A) the State

determines that the supplier provides and maintains an active disinfectant residual in the distribution system, and/or the state determines in writing to the public water system that no unreasonable risk to health existed under the conditions of this modification; (B) the supplier initiates a check sample on each of two consecutive days from the same sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and (C) the original positive routine sample is reported and recorded by the supplier pursuant to § 141.31(a) and § 141.33(a). The supplier shall report to the State its compliance with the conditions specified in this paragraph and a summary of the corrective action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

* * * * *

(2) Amending § 141.14(b)(1)(i) to read as follows:

* * * * *

(b)(1) * * *

(i) more than 10 percent of the portions (tubes) in any one month pursuant to § 141.21 (b) or (c) except that, at State discretion, systems required to take 10 or fewer samples per month may be authorized to exclude one positive routine sample resulting in one or more positive tubes per month from the monthly calculation if: (A) the State determines that the supply maintains an active disinfectant residual in the distribution system, and/or the State determines in writing to the public water system that no unreasonable risk to health existed under the circumstances; (B) the supplier initiates a check sample on each of two consecutive days from the sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and (C) the original positive routine sample is reported and recorded by the supplier pursuant to § 141.31(a) and § 141.33(a). The supplier shall report to the State its compliance with the conditions specified in this paragraph and a summary of the action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

* * * * *

(3) Amending § 141.14(b)(2)(i) to read as follows:

(b)(2) * * *

(i) more than 60 percent of the portions (tubes) in any month pursuant to § 141.21 (b) or (c), except that, at State discretion, systems required to take 10 or fewer samples per month may be authorized to exclude one positive routine sample resulting in one or more positive tubes per month from the monthly calculation if: (A) State determines that the supplier maintains an active disinfectant residual in the distribution system, and/or the State determines in writing to the public water system that no unreasonable risk to health existed under the circumstances; (B) the supplier initiates two consecutive daily check samples from the same sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and (C) the original positive routine sample is reported and recorded by the supplier pursuant to § 141.31(a) and § 141.33(a). The supplier shall report to the State its compliance with the conditions specified in this paragraph and a summary of the corrective action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

(4) Amending § 141.27 to read as follows:

§ 141.27 Alternative analytical techniques.

(a) With the written permission of the State, concurred in by the Administrator of the U.S. Environmental Protection Agency, an alternative analytical technique may be employed. An alternative technique shall be accepted only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by this part.

(b) In addition to the analytical methods prescribed under § 141.23, the following alternative analytical techniques may be used to determine compliance with Sections 141.11, 141.12, and 141.13:

(1) Arsenic—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(2) Arsenic—Silver Diethyldithiocarbamate Method, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 9–10, EPA Office of Technology Transfer, 1974.

(3) Barium—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(4) Cadmium—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(5) Chromium—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(6) Fluoride—Automated Alizarin Fluoride Blue, Ref: "Standard Methods for the Examination of Water and Wastewater," *14*, pp. 614–616, 1975.

(7) Fluoride—Modified Automated Alizarin Fluoride Blue, Ref: "Fluoride in Water and Wastewater Industrial Method #129–71W," December 1972, Technicon Industrial Systems, Tarrytown, New York 10591.

(8) Fluoride—Automated Electrode Method, Ref: "Fluoride in Water and Wastewater," Technicon Industrial Method #380–75WE," February 2, 1976, Industrial Systems, Tarrytown, New York.

(9) Fluoride—Zirconium Eriochrome Cyanine R, Ref: "Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases," USGS, Book 5, Chapter A 1, pp. 90–93.[2]

(10) Lead—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(11) Mercury—Automated Cold Vapor Technique, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 127–133, EPA Office of Technology Transfer, 1974.

(12) Nitrate—Automated Hydrazine Reduction, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 185–194, NERC Analytical Quality Control Laboratory, 1971.

(13) Nitrate—Automated Cadmium Reduction, Ref: "Methods for Chemical Analysis of Water and Wastes," pp. 207–212, EPA Office of Technology Transfer, 1974.

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[1] "Methods for Metals in Drinking Water" (Interim Procedure) is available from the Director of EMSL, EPA, 26 West St. Clair Street, Cincinnati, Ohio 45268. The various furnace devices are considered to be atomic absorption techniques. Methods of standard addition are to be followed as noted on p. 78 of "Methods for Chemical Analysis of Water and Wastes," EPA Office of Technology Transfer, 1974. As with other approved analytical procedures for metals, the technique applicable to *total* metals must be used.

[2] Copies available from: Water Quality Branch, National Center, U.S. Geographical Survey, 112201 Sunrise Valley Drive, Reston, Virginia 22092.

(14) Organics—Gas Chromatographic, Ref: "Methods for Analysis of Organic Substances in Water," USGS, Book 5, Chapter A 3, pp. 24–39.[2, 3]

(15) Organics (Pesticides)—"Standard Methods for the Examination of Water and Wastewater," 14th Ed., 1975. Organochlorine Pesticides, part 509A, pp. 555–564, Chlorinated Phenoxy Acid Herbicides, part 509B, pp. 565–569.

(16) Selenium—Hydride generation—atomic absorption spectrophotometry, USGS. Method, I–1667–77, 1976.

(17) Selenium—Flameless Atomic Absorption, Graphite Furnace Technique, Ref: Atomic Absorption Newsletter, *14*, No. 5, pp. 109–116, 1975.

(18) Silver—Flameless Atomic Absorption, Graphite Furnace Technique.[1]

(19) Turbidity—Nephilometric method with Styrene Divinylbenzene Polymer Standards.[4]

* * * * *

(5) Amending § 141.23(f) (6) and (10) to read as follows:

§ 141.23 Inorganic chemical sampling and analytical requirements.

(f) * * *

(6) Mercury—Flameless Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 118–126, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or 1977 Annual Book of ASTM Standards, part 31, Method D3223–73, pp. 396–402.

(f) * * *

(10) Fluoride-Electrode Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 172–174, or "Methods for Chemical Analysis of Water and Wastes," pp. 65–67, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or 1977 Annual Book of ASTM Standards, part 31, Method D1179–72, pp. 342–344, or Colorimetric Method with Preliminary Distillation, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 171–172 and 174–176, or "Methods for Chemical Analysis of Water and Wastes," pp. 59–60, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or 1977 Annual Book of ASTM Standards, part 31, Method D1179–72, pp. 340–342.

* * * * *

(6) Amending § 141.24 (e) and (f) to read as follows:

§ 141.24 Organic chemical sampling and analytical requirements.

* * * * *

(e) Analysis made to determine compliance with § 141.12(a) shall be made in accordance with "Method for Organochlorine Pesticides in Industrial Effluents, "MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973, or "Organochlorine Pesticides in Water," 1977 Annual Book of ASTM Standards, part 31, Method D3086–72T, pp. 609–624 or "Methods for Organochlorine Pesticides and Chlorophenoxy Acid Herbicides in Drinking Water and Raw Source Water" Interim—Pending Issuance of Methods for Organic Analysis of Water and Wastes.

(f) Analysis made to determine compliance with § 141.12(b) shall be conducted in accordance with "Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973, or "Chlorinated Phenoxy Acid Herbicides in Water," 1977 Annual Book of ASTM Standards, part 31, Method D3478–75T, pp. 595–602.

* * * * *

(7) Amending § 141.11(c) to include the following footnote to the MCLs:

* * * * *

§ 141.11 Maximum contaminant levels for inorganic chemicals.

(c) * * *

Fluoride at optimal levels in drinking water has been shown to have beneficial effects in reducing the occurrence of tooth decay.

(8) Adding a new § 141.30 to read as follows:

§ 141.30 Corrosion control.

(a) When notified by the State, a community public water system identified as having corrosive waters shall initiate a survey and sampling program to establish water quality conditions in the distribution system and at the consumer's tap to determine the presence of corrosion products, including such compounds as lead, cadmium, asbestos, and organic compounds. Within 18 months of promulgation of this section, States will designate the community water supply systems that have corrosive waters. At that time, States will set a schedule for implementation and completion of the surveys and implementation of the corrosion control measures by the public water supply systems. The States will direct the program, provide technical assistance, and report to EPA annually on the progress of the State's designation and implementation of the corrosion control programs.

(1) The public water system shall conduct a survey, as prescribed by the State, to locate and identify the sources of specific corrosion products in the distribution system and in the home plumbing systems.

(2) The public water system shall collect samples for analyses from a number of sites at different locations, representative of the distribution system and home plumbing system, as determined by the State, where the potential presence of specific corrosion products are suspected. Priority for sampling shall be given to sites where the potential for contamination is greatest.

(3) Based on the results obtained from the survey and sampling program, the public water system shall implement appropriate programs for controlling corrosion to assure that every consumer receives safe drinking water.

(b) Analyses of the samples collected shall be in compliance with the requirements set forth in Section 141.23 of the NIPDWR. The States may also establish analytical requirements for contaminants not included in the NIPDWR as approved by EPA.

(9) Amending § 141.22(a) to read as follows:

§ 141.22 Turbidity sampling and analytical requirements.

(a) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at a representative entry point(s) to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with § 141.13 except that States may allow a non-community water system to reduce this sampling frequency if the State determines in writing that a reduced sampling frequency will not pose a risk to public health. The option of reducing the turbidity monitoring frequency shall be permitted only in those public water systems that practice disinfection and which maintain an active residual disinfectant in the distribution system, and in those cases where the State has determined in writing that no unreasonable risk to health existed under the circumstances of this option.

[3] Only the six pesticides named in the Interim Primary Drinking Water Regulations are included: Endrin, Lindane, Methoxychlor, Toxaphene; 2,4–D; and 2,4,5–TP (Silvex). **Federal Register**, Vol. 40, No. 248, pp. 59570–59571, Dec. 24, 1975.

[4] Additional information on this method is available from the Environmental Monitoring and Support Laboratory until the 1974 EPA manual is updated. Commercial products of Amco–AEPA–1 Polymer are available from AMCO Standards International Inc., 230 Polaris Avenue, No. C., Mountain View, California 94043.

The turbidity measurements shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 350–353, or "Methods for Chemical Analysis of Water and Wastes," pp. 295–298, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

* * * * *

(10) Amending § 141.11 (a) and (d) to read:

§ 141.11 Maximum contaminant levels for inorganic chemicals.

(a) The MCL for nitrate is applicable to both community water systems and non-community water systems except as provided by in paragraph (d). The levels for the other organic chemicals apply only to community water systems. Compliance with maximum contaminant levels for inorganic chemicals is calculated pursuant to § 141.23.

* * * * *

(d) At the discretion of the State, nitrate levels not to exceed 20 mg/l may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the State that:

(1) Such water will not be available to children under 6 months of age; and

(2) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure; and

(3) Local physicians, including pediatricians and obstreticians, will be notified of nitrate levels that exceed 10 mg/l; and

(4) Nitrites are not present in the drinking water; and,

(5) No adverse health effects will result.

* * * * *

(11) Amending § 141.21 (a) and (c) to read as follows:

Subpart C—Monitoring and Analytical Requirements

§ 141.21 Microbiological contaminant sampling and analytical requirements.

(a) Suppliers of water for community water systems and non-community water systems shall analyze or use the services of an approved laboratory for coliform bacteria for the purpose of determining compliance with § 141.14. Analyses shall be conducted in accordance with the analytical recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 662–688, except that a standard sample size shall be employed. The standard sample used in the membrane filter procedure shall be 100 milliliters. The standard sample used in the 5 tube most probable number (MPN) procedure (fermentation tube method) shall be 5 times the standard portion. The standard portion is either 10 milliliters or 100 milliliters as described in § 141.14 (b) and (c). The samples shall be taken at points which are representative of the conditions within the distribution system.

* * * * *

(c) The supplier of water for a non-community water system shall be responsible for sampling for coliform bacteria in each calendar quarter during which the system provides water to the public. Such sampling shall begin within two years after the effective date of this part. If the State, on the basis of a sanitary survey, the existence of additional safeguards such as a protective and enforced well code, or accumulated analytical data, determines that some other frequency is more appropriate, such frequency shall be the frequency required under these regulations. Such frequency shall be confirmed or modified on the basis of subsequent surveys or data. The frequency shall not be reduced until the non-community system has performed at least one coliform analysis of its drinking water and shown to be in compliance with § 141.14.

* * * * *

(12) Amending § 141.23(a)(3) to read as follows:

§ 141.23 Inorganic chemical sampling and analytical requirements.

(a) * * *

(3) For non-community water systems, whether supplied by surface or ground sources, analyses for nitrate shall be completed by June 24, 1980. These analyses shall be repeated at intervals determined by the State.

Subpart D—Reporting, Public Notification and Recordkeeping

(13) Amending § 141.31(a) to read as follows:

§ 141.31 Reporting requirements.

(a) Except where a shorter reporting period is specified in this part, the supplier of water shall report to the State the results of any test, measurement, or analysis required by this part within 10 days following receipt of such results by the supplier; except that results of analyses performed more frequently than once per month, such as turbidity and bacteriological testing, can be accumulated and reported at one time by the tenth day of the month following the month in which the samples were analyzed.

(14) Amending § 141.32(d) to read as follows:

§ 141.32 Public notification.

* * * * *

(d) If a non-community water system fails to comply with an applicable maximum contaminant level established in Subpart B of this part, fails to comply with an applicable testing procedure established in Subpart C of this part, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required pursuant to Section 1445(a) of the Act, the supplier of water shall give notice by continuous posting of such failure or granting of a variance or exemption to the persons served by the system as long as the failure or granting of a variance or exemption continues. The form and manner for such notice shall be prescribed by the State and shall ensure that the public using the system is adequately informed of the failure or granting of the variance or exemption.

* * * * *

(15) Amending § 141.32(b)(3) to read as follows:

§ 141.32 Public notification.

* * * * *

(b) * * *

(3) Except that the requirements of this subsection (b) may be waived by the State if it determines that the violation has been corrected promptly after discovery, the cause of the violation has been eliminated, and the violation has not posed a risk to public health.

(16) Amending § 141.28 to read as follows:

§ 141.28 Approved laboratories.

(a) For the purpose of determining compliance with § 141.21 through § 141.27, samples may be considered only if they have been analyzed by a laboratory approved by the State except that measurements for turbidity and free chlorine residual may be performed by any person acceptable to the State.

(b) Nothing in this Part shall be construed to preclude the State or any duly designated representative of the State from taking samples or from using the results from such samples to

determine compliance by a supplier of water with the applicable requirements of this Part.

(17) Amending § 141.31 to add two subsections (d)(e) to read as follows:

§ 141.31 Reporting requirements.

* * * * *

(d) The water supply system, within ten days of completion of each public notification required pursuant to § 141.31, shall submit to the State a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the system and/or to the media.

(e) The water supply system shall submit to the State within the time stated in the request copies of any records required to be maintained under § 141.33.

* * * * *

(18) Amending Subpart E to read as follows:

Subpart E—Special Monitoring Regulations for Organic Chemicals and Otherwise Unregulated Contaminants

* * * * *

(19) Amending Subpart E by adding a new § 141.41 to read as follows:

§ 141.41 Special monitoring for sodium.

(a) Suppliers of water for community public water systems shall collect and analyze water samples representative of the distribution system for the determination of sodium concentration levels at least annually for systems utilizing surface water sources in whole or in part, and at least every three years for systems utilizing solely ground water sources. The supplier of water may be required to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

(b) The supplier of water shall report to EPA the results of the analyses for sodium within 10 days following receipt of the results. The supplier of water shall not be required to report the results to EPA where the State has adopted this regulation and results are reported to the State.

(c) The supplier of water shall notify persons served by the system of the sodium content of the drinking water by either inclusion of a notice in the water bills of the system issued after receipt of the results or, by any regular mailing, or any other effective means within three months. The supplier of water shall also notify the State and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this paragraph shall be sent to EPA within 10 days of its issuance. The supplier of water is not required to notify appropriate local public health officials of the sodium levels where the State has adopted this regulation and provides such notice in lieu of the supplier.

(d) Analyses for sodium shall be performed by the flame photometric method in accordance with the procedures described in *"Standard Methods for the Examination of Water and Wastewater,"* 14th Edition, pp. 250–253, or by the atomic adsorption method in *"Methods for Analysis of Water and Waste,"* p. 147.

[FR Doc. 79-22238 Filed 7-18-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[44 CFR Part 67]

[Docket No. FI-5643]

Proposed Flood Elevation Determinations for the Town of Collinsville, De Kalb County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Collinsville, De Kalb County, Alabama.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, Collinsville, Alabama. Send comments to: Mayor Ray R. Thatts or Margaret Osborne, City Clerk, City Hall, P.O. Drawer N. Collinsville, Alabama 35961.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Collinsville, De Kalb County, Alabama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Wills Creek	Just upstream of Alabama Highway 68.	675
	Just downstream of Copeland Bridge.	679
Little Wills Creek	Just upstream of County Road 51.	679
	Just upstream of Broad Street.	716
Little Wills Creek Tributary.	Approximately 100 Feet upstream of Reed Street.	723

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: July 5, 1979.

Charles M. Plaxico Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22127 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5644]

Proposed Flood Elevation Determinations for the City of Greenville, Butler County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Greenville, Butler County, Alabama.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Soil Conservation Office, Greenville, Alabama.

Send comments to: Mayor Janice Etheredge, or Mr. James R. Salter, Building Inspector, City Hall, P.O. Box 158, Greenville, Alabama 36036.

FOR FURTHER INFORMATION CONTACT: Mr Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Greenville, Butler County, Alabama in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are most stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stallings Creek	Approximately 100 feet upstream of southern corporate limits.	347
	Just upstream of Alabama Highway 10.	356
	Approximately 100 feet downstream of I-65.	363
Stallings Creek Tributary No. 1.	Just upstream of southern corporate limits.	343
	Approximately 200 feet upstream of County Road.	350
Stallings Creek Tributary No. 2 Peavy Creek.	Western corporate limits 1400 feet south of State Highway 10.	351
Stallings Creek Tributary No. 4.	Approximately 200 feet upstream of the confluence with Stallings Creek.	361
Persimmon Creek	Just upstream of southern corporate limits.	330
	Just upstream of U.S. Highway 31.	337
	Just upstream of confluence of Persimmon Creek Tributary No. 3—Tanyard Branch.	340
	Approximately 100 feet downstream of Alabama Highway 10.	349
	Just upstream of northern corporate limits.	364
Persimmon Creek Tributary No. 1.	Just upstream of southern corporate limits.	349
	Approximately 300 feet upstream of Highlands Road.	369
	Approximately 200 feet upstream of Ogelsby Street.	370
Persimmon Creek Tributary No. 3.	Just upstream of Cunningham Street.	360
Tanyard Branch	Just upstream of Commerce Street.	371
	Just upstream of North Conecuh Street.	381
Persimmon Creek Tributary No. 4.	Just upstream of the confluence with Persimmon Creek.	351
Persimmon Creek Tributary No. 5.	Approximately 100 feet upstream of the confluence with Persimmon Creek.	356

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22128 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5645]

Proposed Flood Elevation Determinations for the City of Talladega, Talladega County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Talladega, Talladega County, Alabama.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Building Inspector's Office, City Hall, Talladega, Alabama.

Send comments to: Mayor Charles Osborne, or Jackson Hardy, Building Inspector, City Hall, P.O. Box 498, Talladega, Alabama 35160.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Talladega, Talladega County, Alabama, in accordance with section 110 of the Flood Disaster Protection Act

of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Talladega Creek	Just downstream of Louisville and Nashville Railroad.	506
Isbell Branch	Approximately 60 feet upstream of Bemiston Avenue.	515
	Approximately 90 feet upstream of East South Street.	542
	Just downstream of North West Street.	546
	Approximately 65 feet upstream of North East Street.	551
	Approximately 70 feet downstream of 15th Street extended.	566
Shady Lane Creek	Just upstream of Shady Lane Circle.	574
	Approximately 110 feet downstream of Allison Mill Road.	590
	Just downstream of Hilldale Drive.	633
Oak Hill Creek	Approximately 80 feet downstream of Maintenance Dept. Road.	544
	Approximately 50 feet upstream of South Court Street.	559
	Approximately 70 feet upstream of Cherry Street.	576
Adams Creek	Just upstream of Jackson Street.	555
	Approximately 50 feet upstream of Howard Street.	556
Brecon Creek	Approximately 50 feet upstream of Broome Street.	556
	Just upstream of intersection of 19th Street and Jemison Street.	564
	Approximately 100 feet downstream of Dumas Avenue.	570
Johnson Creek	Approximately 200 feet upstream of Coosa Street.	572
	Approximately 60 feet downstream of Morgan Street.	579
Shocco Creek	Just upstream of Southern Railroad Bridge.	549
	Old Shocco Road	571

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22129 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5646]

Proposed Flood Elevation Determinations for the Town of Valley Head, De Kalb County, Ala., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Valley Head, De Kalb County, Alabama.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Clerk, City Hall, Valley Head, Alabama.

Send comments to: Mayor Pro Tem Eugene Smith or Ms. Barbara Davis, Town Clerk, City Hall, Valley Head, Alabama 35959.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Valley Head, De Kalb County, Alabama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in thier flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Wills Creek	Just upstream of City Park Bridge.	993
	Just downstream of the Southern Railway.	1,009
	Just upstream of Southern Railway.	1,015
	Just downstream of School Street.	1,021
	Just downstream of southernmost crossing of Highway 117.	1,036
Valley Head Branch	Just upstream of Southern Railroad.	1,016
	Just upstream of Private Drive.	1,030

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22130 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR PART 67]

[Docket No. FI-5647]

Proposed Flood Elevation Determinations for the City of Brookland, Craighead County, Ark., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Brookland, Craighead County, Arkansas.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Community Building and Fire Station, Brookland, Arkansas.

Send comments to: Mayor Eugene T. Barnett, City Hall, P.O. Box 85, Brookland, Arkansas 72417.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Brookland, Craighead County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Maple Slough Ditch.	Just upstream of St. Louis Southwestern Railroad Bridge.	260
	Approximately 200 feet upstream of State Highway No. 1 bridge.	261

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22131 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5648]

Proposed Flood Elevation Determinations for the City of Caraway, Craighead County, Ark., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Caraway, Craighead County, Arkansas.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Caraway, Arkansas.

Send comments to: Mayor Calvin Jackson or Ms. Shirley Conner, City Secretary, City Hall, Highway 158, Caraway, Arkansas 72419.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Caraway, Craighead County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Honey Cypress Ditch..	Just upstream of St. Louis Southwestern Railroad.	226
	Just upstream of Arkansas Highway No. 158 Bridge.	227
Asher Ditch	Just upstream of Arkansas Highway No. 158 Bridge.	227
	Just upstream of Missouri Avenue Bridge.	228

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22132 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5649]

Proposed Flood Elevation Determinations for the Unincorporated Areas of Columbia County, Ga., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Columbia County, Georgia.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Columbia County Planning Department, 108 Davis Road, Martinez, Georgia 30907.

Send comments to: Mr. Stephen Scablewski, County Administrator, or Mr. Lynn Noris, Jr., Chairman of the Columbia County Planning Commission, P. O. Box 4660, Martinez, Georgia 30907.

FOR FURTHER INFORMATION CONTACT. Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the unincorporated areas of Columbia County, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Savannah River	Northeastern Corporate Limits.	164
	Just upstream of Furys Ferry Road (State Highway 28).	204
Reed Creek.....	Just downstream of Stevens Creek Road.	196
	Just upstream of Furys Ferry Road (State Highway 28).	217
	Just downstream of Columbia Road.	323
Stevens Creek Road Tributary.	Just downstream of the Sewage Treatment Plant Access Road.	196
	Just upstream of Sewage Treatment Plant Access Road.	201
Bowen Pond Tributary	Just upstream of Marlboro Street.	267
Westhampton Tributary No. 1.	Approximately 300 feet upstream from the confluence with Bowen Pond Tributary.	255
Westhampton Tributary No. 2.	Approximately 300 feet upstream from the confluence with Bowen Pond Tributary.	265
Westhampton Tributary No. 3.	Approximately 200 feet upstream from the confluence with Bowen Pond Tributary.	271
West Lake Tributary....	Approximately 640 feet upstream of the confluence with Reed Creek.	202
	At private road approximately 750 feet upstream from the confluence with Reed Creek.	213
Furys Ferry Road Tributary East.	Approximately 300 feet upstream from the confluence with Reed Creek.	214
Furys Ferry Road Tributary West.	Just upstream of a private road, approximately 160 feet upstream from the confluence with Reed Creek.	216
Wynngate Tributary.....	Just downstream of Old Petersburg Road.	261
Bonaire Heights Tributary.	Approximately 450 feet upstream from the confluence with Wynngate Tributary.	274
El Cordero Estates Tributary.	Approximately 740 feet upstream from the confluence with Wynngate Tributary.	312
Old Evans Road Tributary.	Approximately 350 feet upstream from the confluence with Reed Creek.	276
Holiday Park Tributary	Approximately 3,000 feet upstream from the confluence with Reed Creek.	315
	Just downstream of Columbia Road.	370
	Just upstream of Columbia Road.	378
Owens Road Tributary	Approximately 200 feet upstream from the confluence with Holiday Park Tributary.	322
Upper Reed Creek Tributary.	Approximately 300 feet upstream from the confluence with Reed Creek.	309
Watery Branch.....	Point Comfort Road	200
Watery Branch Tributary.	Approximately 250 feet upstream from the Confluence with Watery Branch.	204
Jones Creek.....	Just downstream of Furys Ferry Road.	217
Furys Ferry Road Tributary North.	Approximately 400 feet upstream from the confluence with Jones Creek.	216
Furys Ferry Road Tributary South.	Approximately 450 feet upstream from the confluence with Jones Creek.	225
Jones Creek Tributary No. 1.	Approximately 500 feet upstream from the confluence with Jones Creek.	226
Seaboard Railroad Tributary.	Approximately 350 feet upstream from the confluence with Jones Creek.	227
Marshall Pond Tributary.	Approximately 200 feet upstream from the confluence with Jones Creek.	247
Jones Creek Tributary No. 2.	Approximately 100 feet upstream of the confluence with Jones Creek.	260
Jones Creek Tributary No. 3.	Approximately 100 feet upstream of the confluence with Jones Creek.	272
Bettys Branch	Just upstream of Washington Road.	278
Mt. Enna Branch	Just upstream of Silver Lake Road.	237

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
	Just upstream of Washington Road.	270
Washington Road Tributary.	At the confluence of Bettys Branch Tributary.	294
Bettys Branch Tributary.	Approximately 500 feet upstream of the confluence with Washington Road Tributary.	306
Gibbs Road Tributary..	Approximately 250 feet upstream of the confluence with Bettys Branch.	295
Uchee Creek.....	Approximately 1,000 feet upstream of Washington Road.	208
Tudor Branch.....	Just upstream of Lewiston Road.	241
	Just downstream of Columbia Road (State Highway 232).	283
Crawford Creek.....	Just downstream of Columbia Road.	313
	Just downstream of Oakley Pirkle Road.	330
Columbia Road Tributary East.	Just downstream of Columbia Road.	322
	Just upstream of Columbia Road.	328
Columbia Road Tributary West.	Approximately 350 feet upstream of confluence with Crawford Creek.	320
Wymberly Tributary.....	Approximately 400 feet upstream from the confluence with Crawford Creek.	324
Oakley Pirkle Road Tributary.	Just downstream of Oakley Pirkle Road.	346
	Just upstream of Oakley Pirkle Road.	361
Oak Lake Tributary West.	Approximately 500 feet upstream from the confluence with Crawford Creek.	343
Oak Lake Tributary East.	Just upstream of Rockdale Drive.	349
Old Belair Road Tributary East.	Just upstream of a private road, approximately 775 feet upstream from the confluence with Crawford Creek.	360
Old Belair Road Tributary West.	Approximately 450 feet upstream from the confluence with Crawford Creek.	362
Walton Branch.....	Approximately 1,000 feet upstream from the confluence with Tudor Branch.	249
	Just upstream of Columbia Road.	284
Walton Branch Tributary.	Approximately 400 feet upstream from the confluence with Walton Branch.	285

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22133 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5206]

Proposed Flood Elevation Determinations for the City of Baldwin City, Douglas County, Kans., Under the National Flood Insurance Program; Correction

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 F.R. 13507 of the Federal Register of March 12, 1979.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The following:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Tributary B.....	About 100 feet upstream of mouth at East Fork Tauy Creek Tributary.	1,002

Should be corrected to read:

Tributary B.....	About 100 feet upstream of mouth at East Fork Tauy Creek Tributary.	1,001

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: July 5, 1979.

Charles M. Phaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22134 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–01–M

[44 CFR Part 67]

[Docket No. FI–5650]

Proposed Flood Elevation Determinations for the City of Bromley, Kenton County, Ky., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Bromley, Kenton County, Kentucky.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of Chairman of the Board of Trustees, 226 Boone Street, Ludlow, Kentucky.

Send comments to: Mr. Earl Ransom, Chairman of the Board of Trustees, 226 Boone Street, Ludlow, Kentucky 41016.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Bromley, Kenton County, Kentucky, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Main Street (Extended)	496
Pleasant Run Creek	Just upstream Elm Street	496
	Moore Street (Extended)	496

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 28, 1979.

Charles M. Plaxico, Jr.,

Federal Insurance Administrator.

[FR Doc. 79-22135 Filed 7-19-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5651]

Proposed Flood Elevation Determinations for the Town of Kentwood, Tangipahoa Parish, La., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Kentwood, Tangipahoa Parish, Louisiana.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Clerk, City Hall, Kentwood, Louisiana.

Send comments to: Mayor Nicholas Saladino, City Hall, 308 Avenue G, Kentwood, Louisiana 70444.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Kentwood, Tangipahoa Parish, Louisiana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Button Creek	Just downstream of LA Highway 1051.	206
	Just downstream of Interstate I-55 Culvert.	211
	Just upstream of Westmoreland Road.	227
Tangipahoa River	Just downstream of LA Highway 38.	196

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22136 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5652]

Proposed Flood Elevation Determinations for the City of Newton, Newton County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Newton, Newton County, Mississippi.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, Newton, Mississippi.

Send comments to: Mayor Preston Bealty or Mr. Daryl Ford, Director of Public Works, City Hall, P.O. Box 300, Newton, Mississippi 39345.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Newton, Newton County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Potterchitto Creek	Just upstream of Ford Avenue Extension.	382
potterchitto Creek, Tributary 1.	Just downstream of U.S. Highway 80.	379
Stream One	Just upstream of Illinois Central Gulf Railroad.	384
	Just upstream of Third Avenue.	394

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22137 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5653]

Proposed Flood Elevation Determinations for the City of Petal, Forrest County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Petal, Forrest County, Mississippi.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, Petal, Mississippi.

Send comments to: Mayor Snyder O. Smith or Pricilla Daniels, City Clerk, P.O. Box 564, Petal, Mississippi 39465.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Petal, Forrest County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinance that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Leaf River	Just upstream River Avenue (Main Street).	146
	Just upstream Southern Railway.	150
Greens Creek	Just downstream Main Street	160
	Just downstream Chapell Hill Road.	171
Unnamed Tributary	Just upstream George Avenue.	148
	Approximately 100 feet upstream 8th Avenue.	153

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22138 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5654]

Proposed Flood Elevation Determinations for the Town of Union, Newton County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Union, Newton County, Mississippi.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, Union, Mississippi.

Send comments to: Mayor James E. Ogeltree, or Mr. T. G. Weaver, City Clerk, City Hall, 404 Bank Street, Union, Mississippi 39365.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Union, Newton County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act

of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Chunky Creek	125 Feet downstream of Main Street.	472
	At Airport Road	488
Chunky Creek, Tributary 1.	At Front Street	470
	Just upstream of State Route 492.	481
Chucky Creek, Tributary 2.	90 Feet upstream of Illinois Central Gulf Railroad Spur Track.	481

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plexico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22135 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5655]

Proposed Flood Elevation Determinations for the City of Yazoo City, Yazoo County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Yazoo City, Yazoo County, Mississippi.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Mayor, Yazoo City, Mississippi. Send comments to: Mayor Charles Fulgham or Mr. Harrell Gromberry, City Clerk, P.O. Box 689, Yazoo City, Mississippi.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Yazoo City, Yazoo County, Mississippi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Willis Creek	At State Highway No. 3	102
	Approximately 400 feet upstream of Field Road.	104
	Approximately 70 feet upstream U.S. Highway 49E.	127
Fifteenth Street Ditch..	At confluence with City Ditch.	99
	At Smith Street	100
Storm Drain Ditch At Ninth Street.	At Champlin Avenue	99
	At Prentiss Street	100
	Approximately 20 feet upstream of Lamar Avenue.	102
Lintonia Avenue Canal	At confluence with City Ditch.	99
	At Water Street	109
	Just downstream of Calhoun Avenue.	111
	Just upstream of Grand Avenue.	115
	Just upstream of Jackson Avenue.	123
	Approximately 200 feet upstream of Webster Avenue.	126
Town Creek	At Water Street	98
	At Washington Street (and Leake Street).	117
	Just upstream of Monroe Street.	127
	Approximately 110 feet upstream of confluence of Town Creek Lateral.	136
Town Creek Lateral	Approximately 90 feet upstream of confluence with Town Creek.	142
City Ditch	Just upstream of Broadway Street.	98
	Just upstream of Champlin Avenue.	99
	At Fifteen Street	99

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator

[FR Doc. 79-22140 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5656]

Proposed Flood Elevation Determinations for the City of Franklin, Warren County, Ohio, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Franklin, Warren County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 35 East Fourth Street, Franklin, Ohio. Send comments to: Mr. Bernard Eicholz, City Manager of Franklin, City Building, 35 East Fourth Street, Franklin, Ohio 45005.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Franklin, Warren County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Great Miami River	Downstream Corporate Limits.	671
	Baxter Road (Extended)	675
	Chicago & Northwestern Railroad.	676
	Park Avenue (Upstream)	681
	Bryant Avenue (Extended)	682
	Upstream Corporate Limits	684
Clear Creek	Confluence with Great Miami River.	671
	Baxter Road (Upstream)	673
	Chicago & Northwestern Railroad (Upstream).	679
	Union Road	684
Clear Creek	Confluence of Beam Ditch	688
	State Route 123 (Upstream)	690
	Interstate 75 (Downstream)	696
	Interstate 75 (Upstream)	699
	Private Driveway 5,920 feet upstream of I-75 (Upstream).	710
	Upstream Corporate Limits	714
Greens Run	Confluence with Tommy's Run.	702
	Interstate 75 Culvert Outlet	719
	Interstate 75 Culvert Inlet	725
	State Route 123 (Upstream)	730
	Beal Road Culvert Inlet	733
	Private Driveway 211 feet upstream of Beal Road (Upstream).	733
Beam Ditch	Confluence with clear Creek	688
	State Route 123 (Upstream)	692
	4th Street (Upstream)	707
	Thomas Drive (Extended)	717
	Martha Road Culvert Outlet	724
	Moore Drive Culvert Inlet	735

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 28, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22141 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5657]

Proposed Flood Elevation Determinations for the City of Snyder, Kiowa County, Okla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Snyder, Kiowa County, Oklahoma.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 721 E Street, Snyder, Oklahoma. Send comments to: Mayor J. D. Von Tungeln, 703 E Street, Snyder, Oklahoma 73566.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Snyder, Kiowa County, Oklahoma, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 1	Just downstream of "C" Street.	1349
	Just upstream of U.S. Highway 183.	1352

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 2	Just downstream of "C" Street.	1355
	Just downstream of 13th Street.	1357

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.

Acting Federal Insurance Administrator.

[FR Doc. 79-22142 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5658]

Proposed Flood Elevation Determinations for the Town of Black Mountain, Buncombe County, N.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Black Mountain, Buncombe County, North Carolina.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualifed for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Black Mountain, North Carolina.

Send comments to: Mayor Chester T. Sobol, or Mr. Mack Kirkpatrick, Town Manager, City Hall, 225 W. State Street, Black Mountain, North Carolina 28711.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Black Mountain, Buncombe County, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swannanoa River	Just upstream of Blue Ridge Road.	2306
	Just upstream of Southern Railway.	2355
Flat Creek	Just upstream of U.S. Highway 70.	2364
	Just downstream of Cotton Avenue.	2403
Tomahawk Branch	Approximately 528 feet upstream of the confluence with Swannanoa River.	2287
	Just upstream of U.S. Highway 70.	2314
Camp Branch	Approximately 528 feet upstream of the confluence with Swannanoa River.	2323
	Just downstream of the confluence of Tributary to Camp Branch.	2347
Unnamed Tributary to Camp Branch.	Approximately 90 feet upstream of the confluence with Camp Branch.	2348

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22143 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR PART 67]

[Docket No. FI-5659]

Proposed Flood Elevation Determinations for the City of Balcones Heights, Bexar County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Balcones Heights, Bexar County, Texas.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Secretary's Office, City Hall, San Antonio, Texas.

Send comments to: Mayor Webster or Mr. William F. Hall, City Secretary, City Hall, 123 Altgett Avenue, San Antonio, Texas 78201.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Balcones Heights, Bexar County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood

Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, feet national geodetic vertical datum
East Woodlawn Ditch	Just downstream of West Service road of I–10 (or Frontage Road) at Exit of the South Culvert thru Interstate HWY I–10.	800
	Just upstream of West Service Road of I–10 (or Frontage Road) at Exit of the North Culvert thru Interstate HWY I–10.	828

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Federal Insurance Administrator.

[FR Doc. 79–22144 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5660]

Proposed Flood Elevation Determinations for the City of Katy, Harris County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Katy, Harris County, Texas.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Katy, Texas.

SEND COMMENTS TO: Honorable John G. Morrison, Mayor of Katy, P.O. Box 617, Katy, Texas 77450.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Katy, Harris County, Texas in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Cane Island Branch	Southern Corporate Limits	133
	Upstream Interstate Highway 10.	135
	First Street Upstream	142
	Tenth Street Downstream	143
	Northern Corporate Limits	148

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 28, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79–22145 Filed 7–18–79; 8:45 am]

BILLING CODE 4210–23–M

[44 CFR Part 67]

[Docket No. FI–5661]

Proposed Flood Elevation Determinations for the City of Natalia, Medina County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Natalia, Medina County, Texas.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the

City Secretary, or Mr. Jay Richardson, Natalia, Texas.

Send comments to: Mayor Dan Vera, P.O. Box 270, Natalia, Texas 78059.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Natalia, Medina County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Chacon Creek	At U.S. Highway 81	669
Fort Ewell Creek	Just upstream of FM 471	677

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22146 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5662]

Proposed Flood Elevation Determinations for the Town of Shavano Park, Bexar County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Shavano Park, Bexar County, Texas.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of Town Clerk, City Hall, 99 Saddle Tree Road, San Antonio, Texas 78231.

Send comments to: Mayor William E. Sharp, 99 Saddle Tree Road, San Antonio, Texas 78231.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Shavano Park, Bexar County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
East Fork Olmos Creek.	Approximately 280 feet downstream of DeZovala Road.	925
	Hunter Branch Road (extended).	943
Turkey Creek tributary	Just downstream of Broken Bough Street.	948
	Just downstream of Turkey Creek Street.	954
	Just downstream of Harry Wurzbach Highway.	974
Mossey Cup tributary..	Just downstream of Channel Dam.	
Gage tributary	Just downstream of Harry Wurzbach Highway.	912
	Just upstream of Harry Wurzbach Highway.	919
	Just downstream of Bent Oak Street.	942
Salado Creek	Southeastern corporate limits (extended).	902

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: July 5, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22147 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5663]

Proposed Flood Elevation Determinations for the City of Moundsville, Marshall County, W. Va., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Moundsville, Marshall County, West Virginia.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, 800 6th Street, Moundsville, West Virginia.

Send comments to: Mr. Richard Escalenti, City Manager of Moundsville, 800 6th Street, Moundsville, West Virginia 26041.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Moundsville, Marshall County, West Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Ohio River	Upstream corporate limits	653
	Downstream corporate limits	652

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 28, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-22148 Filed 7-18-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 187]

[CGD 79-063]

Re-Examination and Refusal of Licenses

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to revise its regulations governing the re-examination of applicants for licenses to operate small passenger vessels. Under present regulations, applicants who fail their first examination are required to wait a period of one month before being re-examined. This proposal would reduce the waiting period to ten days in order to lessen the economic consequences to persons who are dependent upon the operation of small passenger vessels for their livelihood.

DATES: Comments must be received on or before September 19, 1979.

ADDRESSES: Comments should be submitted to and are available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Leo G. Vaske, Merchant Vessel Personnel Division, Office of Merchant Marine Safety, Room 8212, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426–2251.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments. Written comments should include the document number (CGD 79–063), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is contemplated, but one may be held at a time and place set out in a later notice in the **Federal Register**, if requested in writing by an interested person desiring to comment orally at a public hearing and raising a genuine issue.

Drafting Information

The principal persons involved in the drafting of this proposal are: Lieutenant Commander Leo Vaske, Project Manager, Office of Merchant Marine Safety, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Rule

In Part 187 of Title 46, Code of Federal Regulations, the Coast Guard has established licensing requirements for operators of vessels of less than 100 gross tons engaged in carrying more than six passengers.

Applicants for these licenses must demonstrate familiarity with principles of vessel control, seamanship, and related nautical matters by satisfactorily completing a written examination administered by the Officer in Charge, Marine Inspection in the District where application is made. Regulations presently in effect require a minimum waiting period of one month before an applicant who fails a licensing examination may be re-examined. In light of the short operating season for small passenger vessels that exists in many parts of the country, the Coast Guard recognizes the financial burden that a one month waiting period might place upon those intending to engage in the operation of these craft. Under temporary guidelines that were in effect from September 22, 1978 to April 1, 1979, the minimum waiting period for re-examination was reduced to ten days. The Coast Guard found that safety interests involving the operation of small passenger vessels were not adversely affected by this liberalized procedure. It is therefore proposing to

amend its regulations to give this procedure permanent effect.

This proposal has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" published in February 26, 1979 (44 FR 11034), and is not considered a significant rulemaking. A draft evaluation of the proposal has been prepared and included in the public docket. This may be obtained from the Marine Safety Council at the address indicated above.

In consideration of the foregoing, the Coast Guard proposes to amend Part 186 of Title 46, Code of Federal Regulations by revising paragraph (a) of § 187.05–15 to read as follows:

§ 187.05–15 Re-examinations and refusal of licenses.

(a) Any applicant for license or endorsement who has been duely examined or re-examined and refused may come before the same Officer in Charge, Marine Inspection, for re-examination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than ten days from the date of the applicant's last failure.

* * * * *.

(46 U.S.C. 390b, 49 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: July 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79–22402 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–14–M

Notices

Federal Register
Vol. 44, No. 140
Thursday, July 19, 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

Forest Service

Jurisdiction of Certain Lands Within the Sequoia National Forest; Transfer to the Department of the Interior

Notice is hereby given that administrative jurisdiction of the lands described below is transferred from the Forest Service, Department of Agriculture, to the National Park Service, Department of the Interior. This action is in accord with the Act of November 10, 1978, (92 Stat. 3467). The affected lands have previously been administered as part of the Sequoia National Forest.

Effective on the date of publication of this notice in the **Federal Register**, the lands more particularly described as follows will be administered as part of the Sequoia National Park:

All parts of T. 17 S., R. 31 E.; T. 17 S., R. 32 E. and T. 18 S., R. 31 E., MDM, California, which are north of the hydrographic divide passing through FAREWELL GAP and which were not added to or made part of Sequoia National Park by the provisions of the Act of Congress approved July 3, 1926, 44 Stat. 818, and,

All those lands added to the Sequoia National Game Refuge by Act of Congress approved August 14, 1958, (72 Stat. 604), more particularly described as:

Beginning at the E¼ corner of Section 12, T. 17 S., R. 30 E., MDM, thence N.0°15'E. along the township line for a distance of 401.0 feet to the point of beginning for the tract hereinafter described:

Thence N.0°15'E., 910.0 feet to a point; thence N.89°45'W., 450.0 feet to a point; thence S.0°15'W., 910.0 feet to a point; thence S.89°45'E., 450.0 feet to the point of beginning.

Dated this 13th day of July, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-22287 Filed 7-18-79; 8:45 am]

BILLING CODE 3410-11-M

Tuolumne Wild and Scenic River Study Report and Environmental Impact Statement; Public Hearing

Notice is hereby given that public hearings will be held to obtain formal public comment on the content and alternatives in the river study report. The segments of the river analyzed in the alternatives lie partially within Yosemite National Park, the Stanislaus National Forest, and other public lands administered by the Bureau of Land Management. The segment is entirely within Tuolumne County, California.

For two hours prior to each hearing, government personnel familiar with the study will be available for informal discussions. The hearings will be held according to the following schedule:

August 4, 1979—1 p.m.–5 p.m.

The Forum Building, Columbia College, Sawmill Flat Road, Columbia, California.

August 7, 1979—2 p.m.–4:30 p.m., 7 p.m.–9 p.m.

Stanislaus County Center Number 3 Auditorium, Corner of Oakdale Road and Scenic Drive, Modesto, California.

August 9, 1979—2 p.m.–4:30 p.m., 7 p.m.–9 p.m.

California Hall, 625 Polk Street, San Francisco, California.

August 11, 1979—1 p.m.–5 p.m.

Kaiser Center, 300 Lakeside Drive, Oakland, California.

The hearings will adhere to the schedule shown and a ten-minute limit on all oral statements will be imposed. A court reporter will make verbatim transcript of all statements. Copies will be available for public purchase.

Pre-registration for each hearing will be utilized by the presiding officer to establish a preliminary schedule for oral presentations. Those wishing to pre-register should send their name, address, telephone number, organization represented (if any), and which hearing they will be attending to: Tuolumne Wild and Scenic River Study, Stanislaus National Forest, 19777 Greenley Road, Sonora, California 95370. Requests for pre-registration must be received by August 1, 1979 to be considered.

Registration will also be available at the door the day of each hearing. After all pre-registered comments have been received, those registering at the door will be heard. The hearing will be conducted so as to provide an equal opportunity for everyone interested in the critical issues to present their points of view in a fair and orderly manner. The order of presentation will be established with this in mind. The presiding officer may extend the closing time if, in his judgment, it is determined that new information relevant to the study will be forthcoming.

Information about the study and report may be obtained either by writing to the Forest Supervisor, Stanislaus National Forest, 19777 Greenley Road, Sonora, California 95370, or by calling Carl W. Rust, Study Team Leader, at 209–532–3671.

Individual and organizations may express their views by appearing at the hearings or may submit written comments for inclusion in the official record to the Forest Supervisor by September 11, 1979.

Dated: July 12, 1979.

Douglas Leisz,

Acting Chief, Forest Service.

[FR Doc. 79-22266 Filed 7-18-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 35786]

Authority to Air-Wisconsin

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 79–7–86.

SUMMARY: The Board is proposing to grant Ft. Wayne-Pittsburgh authority to Air Wisconsin (Docket 35786) and any other fit, willing and able applicants, the fitness of which can be established by officially noticeable material. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than August 16, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than August 1, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Linda Small, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428, (202) 673–5369.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Air Wisconsin, Inc., City of Ft. Wayne Board of Aviation Commissioners, and the Greater Ft. Wayne Chamber of Commerce.

The complete text of Order 79–7–86 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board: July 13, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–22355 Filed 7–18–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–7–64]

Nonstop Air Route Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–7–64.

SUMMARY: The Board has decided to award certificated nonstop air route authority under the Federal Aviation Act in Seattle-San Francisco/Los Angeles markets to Alaska Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., and Northwest Airlines, Inc.; in Seattle-San Francisco/Los Angeles/San Diego and satellite markets to Hughes Air Corp. d/b/a Hughes Airwest, Pacific Southwest Airlines, and Western Air Lines, Inc.; and to any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file and serve upon all persons listed below, no later than August 16, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than August 1, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 36116, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Steven K. McKinney, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–6064.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Air California, Alaska Airlines, Inc., Braniff Airways, Inc., Continental Airlines, Inc., Hughes Air Corp. d/b/a Hughes Airwest, Northwest Airlines, Inc., Pacific Southwest Airlines, Western Air Lines, Inc., the Alaska Transportation Commission, Greater Ketchikan Chamber of Commerce, Ketchikan Gateway Borough, Seattle Parties (Port of Seattle Commission, etc.), State of Alaska, State of California, Public Utilities Commission of the State of California, City of Newport Beach, and City of Long Beach.

The complete text of Order 79–7–64 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–7–64 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 12, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–22354 Filed 7–18–79; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS) intends to grant to Bristol Laboratories (Bristol) of Syracuse, New York 13201, a division of Bristol-Myers Company of 345 Park Avenue, New York, New York 10022 a limited exclusive right in the United States and in some or all of a group of foreign countries (including Australia, Canada, France, Federal Republic of Germany, Great Britain, Japan and South Africa) for the manufacture, use and sale of the products and processes embodied in the following two inventions disclosed in five U.S. patents and patent applications together with divisions and reissues thereof and foreign patents and patent application counterparts thereof:

(1) "1,2-Diaminocyclohexane Platinum (II) Complexes having Antineoplastic Activity" disclosed in U.S. Patent Application No. 719,689, filed September 2, 1976, issued on September 19, 1978 as U.S. Patent 4,115,418; divisional Application No. 769,888, filed February 18, 1977; and a continuation Application No. 855,910, filed November 29, 1977.

(2) 4-Carboxyphthalato (1,2-Diaminocyclohexane) Platinum (II) and Alkali Metal Salts Thereof", disclosed in U.S. Patent Application No. 828,926, filed August 29, 1977, issued on January 30, 1979 as U.S. Patent 4,137,248; and divisional Application No. 926,035, filed on July 19, 1978.

All five patents and patent applications have been assigned to the Government of the United States of America, as represented by the Administrator of Veterans Affairs for the applications under invention (1) and assigned to the United States of America, as represented by the Secretary of Health, Education and Welfare for the applications under invention (2). Custody of the rights to each of these inventions has been transferred to the Secretary of Commerce.

Copies of the U.S. Patents and Patent Applications listed herein can be obtained from the Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce, P.O. Box 1423, Springfield, VA 22151.

With respect to each U.S. Government-owned invention identified herein, a public announcement stating that the invention was available for licensing in the United States and perhaps also in foreign countries was published in the **Federal Register** (FR) and two other publications shortly after each U.S. Patent Application was issued. The announcement for each invention was made more than six months prior to this notice. The availability of invention (1) was announced in the **Federal Register** of October 5, 1977 at page 54326; the availability of invention (2) was announced in the **Federal Register** of June 13, 1978 at page 25458. In addition, with respect to each invention identified herein, NTIS has undertaken promotional efforts designed to encourage applications for licenses from U.S. companies to practice these inventions. To date, these promotional efforts have not resulted in the request

for, or granting of, any nonexclusive licenses under these patents. It has been determined therefore, in accordance with the Federal Property Management Regulations for Licensing of Government-owned Inventions (41 CFR 101–4.103.3) that these inventions are available for limited exclusive license.

Bristol Laboratories holds exclusive licenses under the Rosenberg *et al* U.S. Patent Applications on the use of the original cis-Platinum II Compounds, for treatment of malignant tumors, and has conducted extensive animal and clinical testing to demonstrate efficacy and safety as an antineoplastic drug. Bristol received a New Drug Application (NDA) approval from the Food and Drug Administration for cisplatin in December 1978, and is marketing dosage forms of its product Platinol for use in testicular and ovarian cancer. If granted a license under the new inventions herein, Bristol will conduct extensive animal tests comparing efficacy with cisplatin and new candidates on these and other types of cancer together with toxicological work to obtain Investigational New Drug (IND) approval. Bristol would then sponsor clinical work on the most promising candidates to obtain NDA approval and market the successful candidate as antineoplastic drugs.

The proposed limited exclusive license to be granted by NTIS to Bristol will be a royalty-bearing license for a term of five years from the date of New Drug Approval in the United States as to the U.S. license and five years from first commercial sale in any licensed foreign country as to each foreign country licensed, but no longer than eight years from the effective date of the license agreement as to any country. The license may be revoked by NTIS in accordance with Title 41 CFR 101–4.1

The proposed limited exclusive license granted to Bristol will be subject to an irrevocable, nonexclusive, nontransferable, royalty-free right in the U.S. Government to make, use or sell the licensed invention throughout the world by or through contract on behalf of the U.S. Government or any foreign government pursuant to a treaty or agreement with the United States.

The proposed limited exclusive license will be granted by NTIS to Bristol unless on or before September 17, 1979, NTIS receives (1) an application for a nonexclusive license from a responsible U.S. applicant to practice the inventions identified herein in the United States or the foreign countries listed herein and NTIS determines that such applicant has already brought or is likely to bring the inventions to the point of practical application within a reasonable period under a nonexclusive license; or (2) written evidence and argument establishing that it would not be in the public interest to grant the proposed limited exclusive license to Bristol.

Written data, inquiries, comments or objections concerning this proposed limited exclusive license should be submitted to the Office of Government Inventions and Patents, National Technical Information Service, Springfield, Va. 22161. NTIS shall maintain and make available for public inspection a record of all decisions made in this matter and the basis therefor. This record shall contain copies of all written data, inquiries, comments, or objections received by NTIS and pertaining to the proposed limited exclusive license.

Dated: June 25, 1979.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 79–22357 Filed 7–18–79; 8:45 am]

BILLING CODE 3510–04–M

Department of the Army

Winter Navigation Board on Great Lakes—St. Lawrence Seaway; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Winter Navigation Board to be held on 6–7 August 1979 at the 31st floor auditorium of the Anthony J. Celebrezze Federal Building located at 1240 East 9th Street in Cleveland, Ohio. The meeting will be in session from 1:00 p.m., EDST until 4:00 p.m. on 6 August 1979 and from 9:00 a.m. until 12:00 p.m. on 7 August 1979.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension demonstration investigations being conducted pursuant to Pub. L. 91–611, as amended by Pub. L. 93–251 and Pub. L. 94–587. This will be the last meeting of the Winter Navigation Board before the Demonstration Program ends 30 September 1979.

The primary purpose of the meeting is to review the final draft of the Demonstration Program Final Report which reviews the activities conducted during the eight years of the program. Status updates will be presented on the Survey Report and several related reports.

The meeting will be open to the public, subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendees.

b. Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is limited because of the time schedule.

Inquiries may be addressed to Mr. Jeffery W. Groska, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone (313) 226–6770.

By Authority of the Secretary of the Army:

Rome D. Smyth,

Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

July 16, 1979.

[FR Doc. 79–22257 Filed 7–18–79; 8:45 am]

BILLING CODE 3710–08–M

DEFENSE DEPARTMENT

Engineers Corps

Intent To Prepare a Supplemental Environmental Impact Statement for a Proposed Flood Control Project—Saw Mill River, Elmsford, N.Y.

AGENCY: U.S. Army Corps of Engineers, DOD

ACTION: Notice of Intent to Prepare a Supplemental Environmental Impact Statement.

SUMMARY: 1. Description of Proposed Action.—Original plan comprised of levee and walls. New Plan envisions channel modification for the length of the project. The bottom width of the proposed channel will be 30 feet with a 1 on 2 slope.

2. Reasonable Alternatives.—No action. No other alternative is cost effective.

3. Scoping Process.—a. Public Involvement.—Contact will be made with those agencies, groups or individuals who commented on the draft and final statement. Any others who are interested in the proposed change should contact EIS coordinator listed below.

b. Significant Issues Requiring In-depth Analysis.—Water Quality impacts archeological and cultural impacts aquatic population impacts.

c. Assignments.—None Anticipated.

d. Environmental review and consultation.—Review will be as outlined in CEQ regulations date Nov. 1978 and Corps Regulations. (Not yet published) No additional permits or licenses are required.

4. Scoping Meeting will ☐* will not ☐ be held.

*Date: 6 Sept 1979, time: 3 p.m., location: Town Hall, Greenburgh, N.Y.

5. Estimate date of statement availability, April 1980.

Address: Project Manager, Nanen-Cy, Attn: Duncan Schweitzer, Tel No. (212) 264–9078. EIS Coordinator, Nanen–E, Attn: Peter Doukas, Tel No. (212) 264–4662. U.S. Army Engineer District, New York, 26 Federal Plaza, New York, N.Y. 10007.

Dated: July 9, 1979.

[FR Doc. 79–22366 Filed 7–18–79; 8:45 am]

BILLING CODE 3710–06–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of June 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749–7626.

Firm Name, Address, and Audit Date

Henry Whitman Exxon, 502 S. Main St., Lovington, NM 88260—June 1, 1979.

Lervies 66 Service, 424 S. Main St., Lovington, NM 88260—June 1, 1979.

Lonnie Moore, d.b.a. Moore's Exxon, 1712 Fifth St., Wichita Falls, TX 76301—June 1, 1979.

Chapa Chevron, 1539 S. Grant, Odessa, TX 79761—June 1, 1979.

Pollard Shell, 2401 W. County Road, Odessa, TX 78760—June 4, 1979.

Hoffer Exxon Service Station, 2530 Paris Road, Chalmette, LA 70043—June 5, 1979.

Lake Oak Shell, 6300 Elysian Fields Ave., New Orleans, LA 70122—June 8, 1979.

Bubber Shell, 2020 Airline Highway, Kenner, LA 70062—June 8, 1979.

Jake's Texaco, 4001 Highway 90 West, Avondale, LA 70094—June 4, 1979.

Golden For Exxon, 2021 S. Ruth, Sulphur, LA 70663—June 4, 1979.

Great Southwest Exxon, 840 Northwest Highway 360, Arlington, TX 76011—June 5, 1979.

Southway Exxon, 218 Jefferson Blvd., Box 2922, Lafayette, LA 70502—June 5, 1979.

Bruce's Gulf Service, 1100 N.E. Evangeline Hwy, Lafayette, LA 70501—June 6, 1979.

Marie's Amoco, 1301 Grand Caillou, Route 2, Houma, LA 70360—June 5, 1979.

Park Vista Exxon, Route 3, Box 456, Creswell Lane & U.S. Hwy 167, Opelousas, LA 70570—June 6, 1979.

Hudson's Texaco, 5602 Lovers Lane, Dallas, TX 75206—June 5, 1979.

Fowler Texaco, 4275 Northwest Highway, Dallas, TX 75220—June 5, 1979.

Bob's Service Station, 2636 Hillburn Dr., Dallas, TX 75227—June 5, 1979.

Quail Valley Texaco, 2465 FM 1092, Missouri City, TX 77459—June 8, 1979.

Tulane Avenue Gulf, 3326 Tulane Ave., New Orleans, LA 70119—June 11, 1979.

Carolyn Park Shell, 701 Perren Drive, Arabic, LA 70032—June 12, 1979.

Decker Exxon Service Center, 1005 East Judge Perez Dr., Chalmette, LA 70043—June 12, 1979.

Stanley's Gulf Service, 927 East Airline Highway, Kenner, LA 70062—June 13, 1979.

Avondale Shell Service, 2901 Highway 90 West Avondale, LA 70094—June 13, 1979.

Kern's Car Care Center, 5920 Veterans Memorial Blvd., Metairie, LA 70003—June 14, 1979.

Oakley's Gulf, 2358 Royal Lane, Dallas, TX—June 8, 1979.

McGee's Exxon, 8239 Preston Road, Dallas, TX—June 13, 1979.

Laury's Gulf Western, 1601 S. Grant, Odessa, TX 79763—June 8, 1979.

East Main Texaco, 2501 E. Main St., Farmington, NM 87401—June 6, 1979.

Northgate Exxon Servicenter, P.O. Box 3421, Highway 167, Lafayette, LA 70502—June 21, 1979.

Country Club Exxon, 888 Gause Blvd., Slidell, LA 70458—June 21, 1979.

Ralph Hambree, 5001 Trail Lake, Fort Worth, TX 76000—June 22, 1979.

Marvin Branson, 2601 E. Belknap, Fort Worth, TX 76001—June 22, 1979.

Johnny Guess Exxon, 120 North Gold Ave., Deming, NM 88030—June 18, 1979.

Chester E. Ennis, d.b.a. Interstate Chevron, P.O. Box 12589, El Paso, TX 79912—June 15, 1979.

Frank Lucky Shell, 1124 McRae Blvd., El Paso, TX 79925—June 13, 1979.

Hector Trijillo Gulf, I–20 and Mesa Road, El Paso, TX 79912—June 15, 1979.

Robert J. McCarthy Shell, 8160 Gateway East, El Paso, TX 79907—June 19, 1979.

Frank S. Baron, d.b.a. Baron's Texaco, 11075 Gateway East, El Paso, TX 79935—June 20, 1979.

Glenn Adams Chevron, 1272 Lomaland, El Paso, TX 79907—June 20, 1979.

Goodwin Chevron, 6301 Montana, El Paso, TX 79925—June 22, 1979.

Jesus R. Lopez, 5990 Montana, El Paso, TX 79902—June 22, 1979.

C. C. Potts, d.b.a. Lomaland Exxon, 11101 Gateway West El Paso, TX 79935—June 21, 1979.

E. L. Gavlik Shell, 1100 Airway Blvd., El Paso, TX 79925—June 22, 1979.

Billie Ray Green, d.b.a. No Trees Service Station, Highway 302, No Trees, TX 79759—June 26, 1979.

Dale Kidd, d.b.a. Dale Kidd Service Sta., P.O. Box 846, Lamesa, TX 79331—June 26, 1979.

R. L. Deere, d.b.a. Deere Service Station, 909 N. 4th St., Lamesa, TX 79331—June 28, 1979.

Campus Service Center, 615 W. Abram, Arlington, TX 76010—June 28, 1979.

Mobil Station, 901 E. Pioneer Parkway, Arlington, TX 76010—June 27, 1979.

Ball Oil Company, 5001 River Oak, Ft. Worth, TX 76114—June 26, 1979.

Kerr-McGee, 2326 W. Shadegrove, Irving, TX—June 25, 1979.

River Oak Shell, 2606 Kirby Dr. Houston, TX 77098—June 28, 1979.

H & L 66 Service, 247 W. Harrison Ave., New Orleans, LA 70124—June 26, 1979.

Lake Terris Exxon, 1600 Robert Lee Blvd., New Orleans, LA 70124—June 26, 1979.

Mundi Exxon, 244 W. Harrison, New Orleans, LA 70124—June 29, 1979.

Bruce Exxon, 5503 Veteran Memorial Blvd., Metarie, LA 70001—June 29, 1979.

McCurry Exxon, 8011 Highway 90 West, Avondale, LA 70094—June 29, 1979.

Radclif Texaco, 9317 Airline Highway, New Orleans, LA 70118—June 29, 1979.

Issued in Dallas, Texas on the 11th day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement.

[FR Doc. 79–22244 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of May 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749-7626.

Firm Name, Address, and Audit Date

Beard Texaco, 8450 Gulf Freeway—May 2, 1979.

Isabel O. Jueco d.b.a., Shell Service Center, 6463 E. Northwest H'wy, Dallas, TX 75231—May 4, 1979.

Port Aransas Exxon, 607 Alister, Port Aransas, TX—May 9, 1979.

C. H. Dietz d.b.a., Dietz Texaco, LBJ at Midway, Dallas, TX—May 7, 1979.

Michael E. Batt d.b.a., Texaco, 2501 14th St., Plano, TX 75074—May 7, 1979.

Charles Hollingsworth d.b.a., Hollingsworth Exxon, 9701 N. Central Expressway, Dallas, TX 75231—May 7, 1979.

Harris Shelton Exxon, 11730 Preston Road, Dallas, TX 75230—May 7, 1979.

Kim's Texaco, 3201 South Staples, Corpus Christi, TX—May 9, 1979.

Wilson Chevron, 1806 Wyoming, N.E., Albuquerque, NM 87112—May 11, 1979.

Joe B. Marquez d.b.a., Joe's Chevron Service, 108 Cornado West, Santa Rosa, NM 88435—May 17, 1979.

Elvin B. Snider, Snider's Texaco, 6400 N.W. 39th Expressway, Bethany, OK 73008—May 16, 1979.

Sanderson Walker d.b.a., Walker Exxon Sta., 702 S. W.W. White Rd., San Antonio, TX 78220—May 14, 1979.

Hector Davis d.b.a., Davis Texaco, 5346 Roosevelt, San Antonio TX 78214—May 14, 1979.

Jerry Etheredge d.b.a., Promenade Car Care, 1050 N. Coit Rd., Richardson, TX 75080—May 18, 1979.

West Explanade Shell, Inc., 3534 Edenborn Ave., Metairie, LA 70002—May 25, 1979.

Bob Irwin d.b.a., Bob's Classen Texaco, 2301 Classen Blvd., Oklahoma City, OK 73118—May 23, 1979.

Benjamin Ike Phelps d.b.a., Ike's Rocking S Truck Stop, P.O. Box 61, H'way 59 South, Livingston, TX 77351—May 21, 1979.

McCowen's Service Center, 3520 Palmer Highway, Texas City, TX 77590—May 18, 1979.

Meyerland Gulf Service, 5001 Beechnut, Houston, TX 77035—May 23, 1979.

Randy Lynn Pitts d.b.a., Pitt's Exxon, 502 S. Garland, Garland, TX 75040—May 11, 1979.

Earl W. Allen d.b.a., Earl's Shell, 3023 Inwood, Dallas, TX 75235—May 12, 1979.

Ronald E. Johnston d.b.a., I-20 West Exxon Service, 7295 Greenwood Rd., Shreveport, LA 71109—May 21, 1979.

Causeway Shell Service Ctr, 3200 Veterans Blvd., Metairie, LA 70002—May 30, 1979.

Terry Parkway Exxon, 502 Terry Parkway, Gretna, LA 70053—May 31, 1979.

Pearce Exxon, I-20 and South Grant, Odessa, TX 79760—May 25, 1979.

Howard Bell d.b.a., Marland Exxon, 100 E. Marland, Hobbs, NM 88240—May 31, 1979.

Issued in Dallas, Texas on the 11th day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement.

[FR Doc. 79-22245 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50154-6010-01-77 and 50154-6010-02-77]

Baltimore Gas & Electric Co.; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 15, 1979, Baltimore Gas and Electric Company (BG&E) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Brandon Shores Units 1 and 2 as existing facilities pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 [44 FR 17464], and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, P.L. 95-620 (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Brandon Shores Units 1 and 2 are new or existing powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before August 9, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

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

Charles A. Falcone, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128I, Washington, D.C. 20461, Phone (202) 254-4750.

James H. Heffernan (Office of the General Counsel), Department of Energy, 12th & Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, Phone (202) 633-8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128L, Washington, D.C. 20461, Phone (202) 254-7442.

SUPPLEMENTARY INFORMATION: Baltimore Gas and Electric Company (BG&E) is a corporation organized under the laws of the State of Maryland. BG&E supplies electric service in the metropolitan area of Baltimore, Maryland, including all or portions of nine adjacent Maryland counties. BG&E stated that it executed contracts and purchase orders in the 1972-79 period for the construction of two 610 MW, oil or coal fired turbine generators, to be known as Brandon Shores Units 1 and 2, in Anne Arundel County, Maryland, and that commercial operation is scheduled for January 15, 1982, and January 15, 1984, respectively. A conference was held at BG&E's request on June 13, 1979.

On June 15, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants

and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, BG&E requested that ERA classify Brandon Shores Units 1 and 2 as existing facilities.

In accordance with Section 515.6 of the Revised Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. BG&E supported its request for classification by providing evidence in support of their claim that BG&E would suffer both a substantial financial penalty and that there would be a significant impairment of reliability if Brandon shores Units 1 and 2 were cancelled. A summary of the evidence requirements and BG&E's response to those requirements follows:

Substantial financial penalty—Pursuant to Section 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of Section 515.7(b)(1) of the Revised Interim Rule, BG&E provided the following information:

Brandon Shores Unit 1

—total projected cost on 11/9/78 was $224,396,000

—total recoverable expenditures were $8,501,000

—total claimed financial penalty (including obligation and cancellation charges as of 11/9/78) was $166,144,000 or 74 percent of total projected project cost on 11/9/78.

Brandon Shores Unit 2

—total projected cost on 11/9/78 was $211,173,000

—total recoverable expenditures were $5,641,000

—total claimed financial penalty (including obligation and cancellation charges as of 11/9/78) was $53,927,000 or 26 percent of total projected project cost on 11/9/78.

Adverse effect on electric system reliability—Pursuant to Section 515.6(b) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant was to begin operation assuming that the proposed powerplant is not completed. Demonstration of an adverse effect on the utility's ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to the evidence requirements of Section 515.7(c)(1) of the Revised Interim Rule, BG&E provided the following materials:

—A description of the BG&E service area and its interconnection with other utilities.

—Peakload projections, projected capacity, and reserve margin for the 1982–1989 period for BG&E's service area. Similar information was supplied for the Pennsylvania-New Jersey-Maryland Interconnection, of which BG&E is a member.

There appears to be a reasonable likelihood that Brandon Shores Units 1 and 2 will be determined to be existing facilities. ERA hereby invites all interested persons to submit written comments on this matter applicable to each of these units separately or both of these units together. Each request for classification will be decided separately on the facts applicable to the particular unit.

The public file, containing BG&E's request for classification and supporting materials, is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, Monday–Friday, 8 a.m.–4:30 p.m.

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

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79–22243 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case No. 52371–1571–04–77]

Chalk Point Unit No. 4, Potomac Electric Power Co.; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 5, 1979, Potomac Electric Power Company (PEPCO) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Chalk Point Unit No. 4 as an existing facility pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, (44FR17464) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, P.L. 95–620 (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Chalk Point Unit No. 4 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested person to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before August 9, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

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

Charles A. Falcone, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128I, Washington, D.C. 20461, Phone: (202) 254–7450.

James H. Heffernan (Office of the General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, Phone: (202) 633–8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128L, Washington, D.C. 20461, Phone: (202) 254–7442.

SUPPLEMENTARY INFORMATION: Potomac Electric Power Company (PEPCO) is a corporation organized under the laws of the District of Columbia. PEPCO supplies electric service in a compact 643-square-mile service area in metropolitan Washington, D.C.

PEPCO stated that it executed all major contracts in the March 12, 1971–November 8, 1978, period for the construction of a 600 MW, No. 6 fuel oil fired cycling unit, to be known as Chalk Point Unit No. 4, Prince Georges County, Maryland, and that commercial operation is scheduled for May 1, 1982. On June 5, 1979, pursuant to ERA's Revised Interim Rule to Permit

Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, PEPCO requested that ERA classify Chalk Point Unit No. 4 as an existing facility.

In accordance with Section 515.6 of ERA's Revised Interim rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. PEPCO supported its request for classification by providing evidence on ERA Form 300A in support of their claim that their consumers would suffer both a substantial financial penalty and that there would be a significant impairment of reliability if Chalk Point Unit No. 4 were not permitted to proceed as an oil-burning facility.

A summary of the evidence requirements and PEPCO's response to those requirements follows:

Substantial financial penalty—Pursuant to Section 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of Section 515.7(b)(1) of the Revised Interim Rule, PEPCO provided the following information:

—total projected cost on 11/9/78 was $167,946,000
—total project expenditures on 11/9/78 were $116,948,000
—total recoverable expenditures were $66,081,000
—total claimed financial penalty (including obligation and cancellation charges as of 11/9/78) was $52,903,000 or 32 percent of total projected project cost.

Adverse effect on electric system reliability—Pursuant to Section 515.6(b) of the Revised Interim rule, ERA will classify a facility as existing upon a demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant was to begin operation assuming that the proposed powerplant is not completed. Demonstration of an adverse effect on the utility's ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to the evidence requirements of Section 515.7(c)(1) of the Revised Interim Rule, PEPCO provided the following materials:

—A description of the PEPCO service area and its interconnection with other utilities.
—Peakload projections, projected capacity, and reserve margin for the 1978–1979 period for PEPCO's service area.

There appears to be a reasonable likelihood that Chalk Point Unit No. 4 will be determined to be an existing facility. ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing PEPCO's request for classification and supporting materials, is available for inspection upon request at:

ERA, Room B–110, 2000 M Street NW., Washington, D.C. 20461, Monday–Friday, 8:00 a.m.–4:30 p.m.

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

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79–22242 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that an Interim Remedial Order for Immediate Compliance (IROIC) was issued by the Office of Enforcement, ERA, to the firm listed below during the month of May 1979. This IROIC concerns prices charged by a retail motor gasoline dealer in excess of maximum lawful selling prices for motor gasoline. To prevent further irreparable harm to the public interest which might result if this firm continued to charge prices the lawfulness of which could not be justified, the IROIC was issued in accordance with 10 CFR 205.199D and ordered the firm to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the Mandatory Petroleum Allocation and Price Regulations, Title 10, Code of Federal Regulations.

In the alternative, the firm was ordered to come forth within five days with support for the lawfulness of the maximum lawful selling prices it otherwise contends are appropriate.

For further information regarding this IROIC, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749–7626.

Firm Name, Address, and Audit Date

George W. Everett, d.b.a. Everett's Mobil, 2135 Northwest Highway, Garland, Tex. 75050—May 14, 1979.

Issued in Dallas, Texas on the 11th day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement.

[FR Doc. 79–22246 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Interim Remedial Orders for Immediate Compliance (IROICs) were issued by the Office of Enforcement, ERA, to the firms listed below during the month of June 1979. These IROICs concern both prices charged by retail motor gasoline dealers in excess of the maximum lawful selling prices for motor gasoline and discriminatory business practices. To prevent further irreparable harm to the public interest which might result if the firms continued these pricing and business practices, the lawfulness of which could not be justified, IROICs were issued in accordance with 10 CFR 205.199D and ordered the firms to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height;

3. Properly maintain records required under the Mandatory Petroleum Allocation and Price Regulations, Title 10, Code of Federal Regulations; and

4. Cease and desist from employing any form of discrimination practices as set forth in 10 C.F.R. 21062(b) and conform its business practices to those practices followed during the base period.

In the alternative, these firms were ordered to come forth within five days

with support for the lawfulness of its business practices and the maximum lawful selling prices they otherwise contend are appropriate.

For further information regarding these IROICS, please contact Wayne I. Tucker, District Manager of Enforcement, Southeast District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/749-7626.

Firm name, address, and audit date.

D & M Service Center #2, d.b.a. French's Texaco, 302 Pat Booker, Universal City, Tex.—June 15, 1979.

Paul's Texaco, 1033 Pat Booker, Universal City, Tex.—June 15, 1979.

Tom Gillespie, d.b.a. Gillespie Texaco, 1110 N. Washington, Beeville, Tex. 78102—June 20, 1979.

Red Carpet Car Wash, 600 Building, Corpus Christi, Tex. 78404—June 29,1979.

Issued in Dallas, Texas, on the 11th day of July, 1979.

Wayne I. Tucker,

Southwest District, District Manager of Enforcement.

[FR Doc. 79-22247 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-15-NG]

Natural Gas Pipeline Co. of America, et al.; Authorization Application

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application for authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of the application by Natural Gas Pipeline Company of America (Natural), Michigan Wisconsin Pipeline Company (Mich Wisc), Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee) and Texas Eastern Transmission Corporation (TETCO) (collectively, Applicants), for authorization to import a total volume of 2.19 Tcf of natural gas over a period of 20 years beginning November 1, 1980, and ending October 31, 2000, at a rate of up to 335,000 Mcf per day, as adjusted. This gas will be purchased from ProGas Ltd. (ProGas), a Canadian corporation, by Applicants pursuant to individual gas sales agreements dated May 17, 1979. The agreements provide for the delivery of gas at a point on the International Boundary near Emerson, Manitoba, by TransCanada Pipeline Ltd. (TransCanada) to Great Lakes Gas Transmission Company (Great Lakes) and by Great Lakes to Mich Wisc to an existing delivery point near Farwell, Michigan. Mich Wisc will then deliver the gas to Natural, TECTCO and Tennessee at interconnecting delivery points. The Natural gas subject to this application will be purchased from ProGas at the current border price of $2.30 per million Btu established or as in the future may be adjusted by the Canadian National Energy Board (NEB).

ADDITIONAL INFORMATION: In accordance with this application, ProGas will sell to each Applicant not less than 25 percent of the gas purchase volume of 300,000 Mcf authorized to be imported from ProGas. This volume will be available from ProGas until November 1, 1985, at which time 20 percent of this volume will be made available by ProGas for purchase by TransCanada. In each subsequent year of the contract the amount of gas available for purchase by TransCanada will be increased by 20 percent. If TransCanada does not purchase all of the available gas, the surplus will become available to Applicants.

The Agreements provide for the delivery of gas to Applicants at a point on the International Boundary near Emerson, Manitoba. However, subject to certification and construction of the Northern Border Pipeline and southern Canadian portions of the Alaska Gas Pipeline, Applicants will receive their gas at a point on the international border near Monchy, Saskatchewan, for transportation through the Northern Border System.

It is expected that the gas will be delivered by TransCanada to Great Lakes, by Great Lakes to Mich Wisc and by Mich Wisc to Natural, TETCO and Tennessee. Great Lakes has advised Applicants that it will have the capacity to transport the gas without additional facilities as the result of an amendment to its transportation contract with TransCanada filed as Rate Schedule T-4 to Great Lakes' FERC Gas Tariff, Volume 2. According to this amendment, TransCanada will agree to use its northern system to transport those volumes of gas which would otherwise be transported by Great Lakes under the T-4 Contract.

OTHER INFORMATION: The ERA invites petitions for intervention in this proceeding. Such petitions are to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 157.10). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on the 20th day after the date of publication of this notice in the **Federal Register.**

A person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

This application is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0240-25. Petitions to intervene are invited.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such hearing is required, due notice will be given.

A copy of applicants' petition is available for public inspection and copying in Room B110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

DATES: Petitions to intervene: to be filed on or before August 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street N.W., Room 6318, Washington, D.C. 20461, Telephone (202) 254-9730.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, Telephone (202) 633-9380.

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

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-22241 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-001, ERA Case No. 55023-9053-01-12 and 55023-9053-02-12]

Acceptance of Exemption Request

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Notice of Acceptance of Exemption Request Pursuant to the Interim Rules of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On June 15, 1979, Anheuser-Busch, Incorporated (Anheuser-Busch) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two major fuel burning installations (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) (Pub. L. 95–620) which prohibits the use of petroleum and natural gas in new major fuel burning installations. Criteria for petitioning for an exemption from the provisions of FUA were published at 44 FR 28530 (May 15, 1979), and at 44 FR 28950 (May 17, 1979). Anheuser-Busch proposes to install two 143,700,000 Btu/hr oil and natural gas fired boilers at their Los Angeles, California brewery. Anheuser-Busch has requested:

1. A permanent exemption for each unit from the prohibitions because of asserted inability to comply with applicable environmental requirements by using coal.

2. A permanent exemption for each unit from the prohibitions because of asserted inability to comply with applicable environmental requirements by using petroleum coke.

3. A permanent exemption for each unit from the prohibitions because of an asserted inability to comply with applicable environmental requirements by using refuse derived fuel (RDF).

4. A permanent exemption from the prohibitions because of an asserted lack of supply of low Btu gas derived from coal at a cost which does not substantially exceed the cost of using imported petroleum; and

5. A permanent exemption from the prohibitions because of asserted site limitations on the use of solar energy.

FUA imposes statutory prohibitions against the use of natural gas and petroleum by new major fuel burning installations which consist of a boiler. ERA's decision in this matter will determine whether the two proposed boilers will qualify for one or more of the requested exemptions.

In accordance with the provisions of Sections 701(c) and (d) of FUA and Section 501.33 of the Interim Rules, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before September 4, 1979. A request for a public hearing must be made by any interested person within this same 45 day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA–FC–79–001 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

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

Constance Buckley, Chief, New MFBI Branch Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 254–7766.

James H. Heffernan, Assistant General Counsel for Coal and Leasing Regulations, Office of General Counsel, Department of Energy, 1200 Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461 Phone (202) 633–8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3218, Washington, D.C. 20461, Phone (202) 254–7442.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration, on May 15 and 17, 1979, published in the **Federal Register** interim rules to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95–620). The Act prohibits the use of natural gas and petroleum in certain new major fuel burning installations and powerplants unless an exemption to do so has been issued by ERA.

ERA at the request of Anheuser-Busch has conducted a number of prepetition conferences to discuss the filing of a permanent exemption request. Anheuser-Busch's major concerns related to the burning of coal at its 76 acre Los Angeles Brewery located in the San Fernando Valley, California. The facility is within the jurisdiction of the California South Coast Air Quality Management District (SCAQMD).

In accordance with Part 502 of the interim rules, a Fuels Decision Report (FDR) was required for this exemption request. FUA requires that an FDR be prepared to afford the company an opportunity to demonstrate that it has rigorously explored and objectively evaluated all reasonable alternatives to the use of oil and natural gas.

During one of the prepetition conferences, ERA and Anheuser-Bush agreed to the scope of the FDR to include only five fuels:

1. Coal;
2. Petroleum coke;
3. Refuse derived fuel;
4. Low Btu gas from coal; and
5. Solar energy.

Anheuser-Busch's exemption requests address an inability to use coal, petroleum coke, or refuse derived fuel (RDF) which is predicated upon their asserted inability to comply with the South Coast Air Basin's NOx emission requirements using these fuels. Because of the nature of a brewery's operation and the "batching system" of processing the product, which requires differing steam loads, Anheuser-Busch's FDR asserts that potential NOx control systems would not perform within the perimeters of applicable environmental requirements.

In requesting an exemption based upon its inability to use a low Btu gas derived from coal, Anheuser-Busch contends in its FDR that the use of this fuel in its two proposed new boilers would substantially exceed the cost of using imported petroleum. ERA's implementing regulations specify that the cost of using an alternate fuel will be deemed to substantially exceed the cost of using imported petroleum if the cost ratio is 1.3 or greater using the methods and assumptions specified in the regulations. Anheuser-Busch claims there is no supply of low Btu coal gas available to the expanded brewery and, therefore, factored into its fuels study the cost of installing and operating an on-site coal gasification plant. Anheuser-Busch claims the installation and operation of such a coal-gas plant would substantially exceed the cost of using imported oil, and has therefore requested an exemption on those grounds.

Anheuser-Busch claims that the use of solar energy is not feasible due to site limitations. The company contends that the use of solar energy to produce process steam has never been demonstrated at the production rate and temperature required by the expanded brewery. Moreover, Anheuser-Busch asserts that there is not sufficient on-site space to locate the requisite solar collectors.

Anheuser-Busch asserts that the potential use of fuel mixtures in their proposed MFBI's is not economically or technically feasible. The company's FDR enumerates the following contentions in regard to potential fuels mixtures:

1. A mixture with coal (75% coal and 25% natural gas or petroleum) would violate the NOx emissions of the SCAQMD;

2. A mixture with petroleum coke (75% petroleum coke and 25% natural gas or

petroleum) would violate the NOx limitations imposed by SCAQMD;

3. Site limitations preclude the use of a mixture of 75% solar and 25% natural gas or petroleum;

4. A mixture of 75% RDF and 25% petroleum or natural gas, would violate the NOx emission limitations of the SCAQMD; and,

5. The use of low Btu gas from coal in a mixture with 25% petroleum or natural gas would substantially exceed the cost of using imported petroleum.

At an informal conference held after the submission of the FDR, ERA requested that the petitioner reevaluate the use of mixtures involving coal to identify that amount of coal that could feasibly be utilized in the proposed boilers and, at the same time, meet the SCAQMD NOx emission standards. ERA notes that should the two proposed boilers receive the requested exemptions, the two units would be capable of consuming 19,272,000 gallons of oil per year. Anheuser-Busch submitted supplemental information on July 9, 1979.

At the conference referenced above, Anheuser-Busch was also to evaluate that amount of solar enery which could feasibly be utilized by the Los Angeles Brewery, given the available roof and ground space. Anheuser-Busch also submitted this information to ERA on July 9, 1979.

Some additional information has been requested from Anheuser-Busch in support of their petition to construct the two proposed units and Anheuser-Busch supplied such data on July 9, 1979.

ERA hereby accepts the filing of this petition as adequate for filing. ERA retains the right to request additional relevant information from Anheuser-Busch at any time during the pendency of these proceedings were circumstances or procedural requirements may so require.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at:

ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on July 11, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-22314 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of June 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Mr. Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, telephone number (215) 597–3870.

Firm Name, Address, and Audit Date

Village Exxon Center, 170 Seventh Avenue South, New York, N.Y. 10014—June 12, 1979.

Bob & Lou Service Center, 134–30 Atlantic Avenue, Richmond Hill, N.Y.—May 31, 1979.

JAF Service Center, 132–40 So. Conduit Avenue, South Ozone Park, N.Y. 11430—May 31, 1979.

Midland Service Station, 2247 Utica Avenue, Brooklyn, N.Y. 11234—June 13, 1979.

Tomval Service Center, 1896 Bruckner Boulevard, Bronx, N.Y. 10473—June 14, 1979.

Salzar Brothers, 1860 Webster Avenue, Bronx, N.Y. 10467—June 22, 1979.

J & D Service, 1870 East Gun Hill Road, Bronx, N.Y. 10467—June 28, 1979.

Bob's Service Center, 13 Brown Street, Maynard, Mass.—June 19, 1979.

Frank Lecrenski Mobil, 33 Main Street, Westfield, Mass.—June 18, 1979.

Murray's Mobil, 162 S. Hampton Road, Westfield, Mass.—June 18, 1979.

Jon's Service Center Mobil, 460 East Main Street, Westfield, Mass.—June 19, 1979.

Center City Exxon, Elm & Franklin, Westfield, Mass.—June 20, 1979.

Browning's Mobil Station, College Highway, Wouthwick, Mass.—June 20, 1979.

Boldue's Gulf, 1225 Parker Street, Springfield, Mass.—June 20, 1979.

Ronald Scott Mobil, 467 Longmeadow Street, Longmeadow, Mass.—June 20, 1979.

Winnie's Auto Service, 410 Longmeadow Street, Longmeadow, Mass.—June 20, 1979.

Sullivan's Arco, 711 Bliss Road, Longmeadow, Mass.—June 21, 1979.

Ike's Exxon, 917 Shaker Street, Longmeadow, Mass.—June 21, 1979.

State Line Mobil, 1730 Longmeadow Street, Longmeadow, Mass.—June 21, 1979.

Lavoie's Getty, Boston Avenue, Springfield, Mass.—June 21, 1979.

Copp's Hill Mobil, 522 Commercial Street, Boston, Mass.—June 18, 1979.

Wayland Shell, 322 East Commonwealth Road, Wayland, Mass.—June 27, 1979.

Mike's Sunoco Station, 815 Butler Street, Pittsburgh, Pa.—June 28, 1979.

Lindsay Mobil Station, 5161 Route 8 & Hardies Road, Gibsonia, Pa. 15044—June 28, 1979.

Issued in Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement.

[FR Doc. 79-22318 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Offices of Enforcement, ERA, and the firms listed below during the month of June 1979. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separately published in the **Federal Register**. These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact Mr. Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, telephone number (215) 597–3870.

Firm name and address	Refund amount	Product	Period covered	Recipients of refund
Frank's Fuel Wholesale, Inc. & Frank's Fuel, Inc., 11 River Street, North Tarrytown, N.Y. 10591.	$90,000	#2 oil	11/1/73 to 11/30/74.	Government purchasers.
American Consumers, Inc., 777 Pattison Avenue, Philadelphia, Pa. 19147.	45,000	#2 oil	11/1/73 to 12/31/74.	All retail customers.

Issued in Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22317 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Atlantic Aviation Corp.; 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 19, 1979.

COMMENTS BY: August 17, 1979.

ADDRESS: Send comments to: Herbert Maletz, New York Audit Group Manager, U.S. Department of Energy 252 Seventh Avenue, New York, New York 10001.

FOR FURTHER INFORMATION CONTACT: Herbert Maletz, New York Audit Group Manager, U.S. Department of Energy, 252 Seventh Avenue, New York, New York 10001, 212/620-6706.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Enforcement of the ERA executed a Consent Order with Atlantic Aviation Corporation of Wilmington, Delaware. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Atlantic Aviation Corporation ("Atlantic") with its home office located in Wilmington, Delaware is a fixed base operator engaged in the retail sale of aviation fuels and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 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 Atlantic, the Office of Enforcement of the ERA, and Atlantic entered into a consent Order, the significant terms of which are as follows:

1. During the period November 1, 1973 through January 31, 1978 ("audit period"), Atlantic allegedly overcharged its retail class of purchaser in sales of aviation fuels.

2. It is alleged that Atlantic incorrectly computed its maximum legal selling price in its sale of aviation fuels to its retail class of purchaser during the audit period. As a result, Atlantic charged prices in excess of those permitted under 10 CFR § 212.93(a).

3. This Consent Order constitutes neither an admission by Atlantic that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Atlantic has violated such regulations.

4. 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, Atlantic 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 transaction specified in I.1. above, the sum of $40,928.33 within thirty (30) days of the effective date of the Consent Order. 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 indentified, 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 Herbert Maletz, New York Audit Group Manager, U.S. Department of Energy, 252 Seventh Avenue, New York, New York 10001. You may obtain a free copy of this Consent Order by writing to the same address or by calling 212/620-6706.

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 Atlantic Aviation Corporation Consent Order". We will consider all comments we

receive by 4:30 p.m., local time, on August 17, 1979. You should identify any information or data which, in your opinion, is confidential and submit in accordance with the procedures in 10 CFR § 205.9(f).

Issued in New York, New York on the 6th day of July, 1979.

Herbert M. Heitzer,

Northeast District Manager of Enforcement.

[FR Doc. 79-22320 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Belco Petroleum Corp.; 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 July 9, 1979. Comments by August 22, 1979.

ADDRESS: Send comments to: Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001.

FOR FURTHER INFORMATION CONTACT: Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001, 212/620-6706.

SUPPLEMENTARY INFORMATION: On July 9, 1979, the Office of Enforcement of the ERA executed a Consent Order with Belco Petroleum Corporation of New York, New York. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Belco Petroleum Corporation (Belco), with its home offices located in New York, New York, is a firm engaged in the production and sale of crude petroleum, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 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 Belco, the Office of Enforcement, ERA, and Belco entered into a Consent Order, the significant terms of which are as follows:

1. During the period August 16, 1973 through December 31, 1975 (audit period), Belco allegedly overcharged the Husky Oil Company in the sale of old domestic crude petroleum from its Wyoming fields.

2. It is alleged that Belco incorrectly computed its allowable ceiling price for old domestic crude petroleum which it sold during the audit period. As a result, Belco charged prices in excess of those permitted under 10 CFR § 212.73(a) and 6 CFR § 150.354(c).

3. This Consent Order constitutes neither an admission by Belco that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Belco has violated such regulations.

4. 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, Belco 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 $137,940 within thirty (30) days of the effective date of the Consent Order. 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 Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001. You may obtain a free copy of this Consent Order by writing to the same address or by calling 212/620-6706.

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 Belco Petroleum Corporation Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on August 22, 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 New York, New York on the 6th day of July, 1979.

Herbert M. Heitzer,

Northeast District Manager of Enforcement.

[FR Doc. 79-22319 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Indian Oil 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.

DATE: Effective date June 21, 1979.

COMMENTS BY: August 17, 1979.

ADDRESS: Send comments to James J. Dowd, Audit Director, Department of Energy, Office of Enforcement, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: Same.

SUPPLEMENTARY INFORMATION: On June 21, 1979, the Office of Enforcement of the ERA executed a Consent Order with Indian Oil Company, Inc. of Madison, Maine. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Indian Oil Company, Inc. (Indian), with its home office located in Madison, Maine, is a firm engaged in the retailing of gasoline, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Part 210, 211, 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 Indian, the Office of Enforcement, ERA and Indian entered into a Consent Order, the significant terms of which are as follows:

1. During the period November 1, 1973 through July 1, 1974, it is alleged by DOE that Indian recovered in its sales of motor gasoline, revenues in excess of amounts allowed if selling prices were calculated in accordance with the applicable price rule, 10 CFR 212.93, (as preceded by 6 CFR 150.359) which states that "a seller may not charge a price for any item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchased concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs concerned".

2. Without Indian admitting any violation concerning any applicable regulations or rules, agrees to refund the excess revenues (plus all applicable interest).

3. 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, Indian 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 $145,583 (including interest) in accordance with the schedule set forth in the Consent Order. 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 James J. Dowd, Audit Director, Department of Energy, Office of Enforcement, Northeast District, 150 Causeway Street, Boston, Massachusetts 02114. You may obtain a free copy of this Consent Order by writing to the same address.

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 Indian Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 17, 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 Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22321 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Interim Remedial Orders for Immediate Compliance

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Interim Remedial Orders for Immediate Compliance (IROICs) were issued by the Office of Enforcement, ERA, to the firms listed below during the month of June 1979. These IROICs concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling prices for motor gasoline. To prevent futher irreparable harm to the public interest which might result if these firms continued to charge prices the lawfulness of which could not be justified, these IROICs were issued in accordance with 10 CFR 205.199D and ordered the firms to come into compliance with legal requirements by taking the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and

3. Properly maintain records required under the Mandatory Petroleum

Allocation and Price Regulations, Title 10, Code of Federal Regulations.

In the alternative, these firms were ordered to come forth within five days with support for the lawfulness of the maximum selling prices they otherwise contend are appropriate.

For further information regarding these IROICs, please contact Mr. Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, telephone number (215) 597-3870.

Firm Name, Address, and Audit Date

Fifth Avenue International Auto Center, 2 West End Avenue, New York, N.Y. 10023—June 12, 1979.

Egbert Square Servicecenter, 1650 Forest Avenue, Staten Island, N.Y. 10302—June 13, 1979.

La-Roma, 1100 Webster Avenue, Bronx, N.Y. 10456—May 31, 1979.

Boston Road Service Station, 2475 Boston Road, Bronx, N.Y. 10467—June 20, 1979.

Savon, 35th Avenue & Junction Blvd., Queens, N.Y.—June 25, 1979.

Bowery Service Station, 326 Bowery, New York, N.Y. 10014—June 25, 1979.

J.V. Service Station, 447 Third Avenue, Brooklyn, N.Y. 11215—June 25, 1979.

Windsor Park Service Station, 219th Street & Horace, Harding Boulevard, Bayside, N.Y. 11364—June 25, 1979.

Krokus Service, 980 East 233rd Street, Bronx, N.Y. 10466—June 27, 1979. Rusty's Gulf, 2015 Waverly—Nobles Swissvale, Pa. 15218—June 4, 1979.

Ted's Exxon, U.S. Route 19, Bradley, W. Va. 25818—June 4, 1979.

Newman's Exxon Servicenter, Routes 2, 7, & 20, New Martinville, W. Va. 26155—June 4, 1979.

Eaton's Gulf Service, 1601 7th Street, Parkersburg, W. Va. 26101—June 4, 1979.

Millers Union 76, 505 Virginia Street, West Charlestown, W. Va. 25302—June 4, 1979.

Rossmoyne Exxon, 4800 Gettysburg Pike, Mechanicsburg, Pa. 17055—June 4, 1979.

Martin's Sunoco, 260 Smok Highway, Meadville, Pa. 16335—June 4, 1979.

Blattenberger Gulf, 600 Lincoln Way East, Chambersburg, Pa. 17201—June 4, 1979.

Valley Drive Exxon, North Valley Drive, Sprague, W. Va. 25926—June 4, 1979.

Adams Exxon, Murtland & Ridge Avenue, Washington, Pa. 15301—June 4, 1979.

Burchard's Exxon, 5th & Avery Street Parkersburg, W. Va. 26101—June 4, 1979.

Clark's ARCO, 5600 William Flynn Highway, Gibsonia, Pa. 15044—June 4, 1979.

First Street Exxon, 101 Fifth Avenue, Huntington, W. Va 25701—June 4, 1979.

Gold's Exxon, 735 Fifth Avenue, Huntington, W. Va. 25701—June 4, 1979.

Noble's Exxon, 418 First Avenue South, Nitro, W. Va. 25143—June 4, 1979.

Ressler's Bedford Exxon, North Richard Street, Bedford, Pa. 15522—June 4, 1979.

Miller Auto Supply Co., 217 Elm Street, Oil City, Pa. 16301—June 4, 1979.

Zimmerman's Exxon, 407 North 21st Street, Camphill, Pa. 17011—June 4, 1979.

Balzert's Exxon, 1650 Babcock Boulevard, Millville, Pa. 15201—June 4, 1979.

Johnson's Amoco, 1428 Main Avenue, Nitro, W. Va. 25143—June 4, 1979.

Tanner's Exxon, 210 Belmont Avenue, Bala Cynlyd, Pa 19004—June 27, 1979.

Devon ARCO, Lancaster Avenue & Boulevard Road, Devon, Pa. 19333—June 29, 1979.

Kevin L. Foody, 18th & Arlington Avenue, Pittsburgh, Pa. 15210—June 26, 1979.

Dean Miller Sunoco, 48 Crennett Avenue, Crafton, Pa. 15205—June 26, 1979.

Boron Oil, 999 Greentree Road, Pittsburgh, Pa. 15220—June 26, 1979.

Sy Service Station, 3349 Webster Avenue, Bronx, N.Y. 10467—June 30, 1979.

Baychester Mobil, 500 Baychester Avenue, Bronx, N.Y. 10475—June 30, 1979.

H & R Shell, 3355 East Tremont Avenue, Bronx, N.Y. 10461—June 30, 1979.

Peter's Exxon, 1985 Bruckner Boulevard, Bronx, N.Y. 10472—June 30, 1979.

McGuire's Service Station, 3553 East Tremont Avenue, Bronx, N.Y. 10469—June 30, 1979.

78th Street Service Center, 78-03—31st Avenue, Jackson Heights, N.Y. 11370—June 29, 1979.

Mr. Magic Car Wash, 427 Mt. Lebannon Boulevard, Castle Shannon, Pa.—June 27, 1979.

Airport Mobil, 1473 Beces School Road, Coraopolis, Pa. 15108—June 27, 1979.

Mercatoris Oil Co., 517 W. Spring Street, Titusville, Pa.—June 29, 1979.

Weaver's Quaker, 101 Main Street, Oil City, Pa 16301—June 27, 1979.

Lucky Eleven, 301 Duncomb Street, Oil City, Pa. 16301—June 28, 1979.

Issued Philadelphia on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manger of Enforcement, Northeast District.

[FR Doc. 79-22315 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Northeast Petroleum Industries, Inc.; 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 19, 1979. Comments by August 17, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway St., Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, PA 19102, telephone number 215-597-3870.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Enforcement of the ERA executed a Consent Order with Northeast Petroleum Industries, Inc., of Chelsea, Massachusetts. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Northeast Petroleum Industries, Inc. (Northeast) with its home office located in Chelsea, Massachusetts, is a Firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain disputes and avoid the necessity of any administrative proceedings by the Office of Enforcement of the ERA as a result of its audit of Northeast, the Office of Enforcement, ERA and Northeast entered into a Consent Order which includes a settlement agreed to by both parties to resolve all issues without resort to lengthy proceedings which would be expensive and time consuming for both parties. The significant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the prices charged by Northeast in sales of No. 6 residual fuel oil in cargo lots from November 1, 1973 through June 30, 1975.

2. The ERA contends that Northeast recovered in its cargo lot sales of No. 6 residual fuel oil revenues in excess of those allowed by 10 CFR § 212.93, as preceded by 6 CFR § 150.359. Northeast contends that its revenues from No. 6 cargo lot sales did not exceed amounts allowed in accordance with the cited price rule.

3. Execution of the Consent Order constitutes neither a finding of any nature by the DOE nor an admission of the same by Northeast with respect to cargo lot sales of No. 6 residual fuel oil.

4. In order to resolve its disputes with the ERA, Northeast agrees to refund $490,000, which amount represents a settlement of the proceedings and includes interest.

5. The provisions of 10 CFR § 205.199J are applicable to the Consent Order, except that subsection (c) of that regulations is not applicable.

II. Disposition of Refunded Amount

In this Consent Order, Northeast agrees to refund, in full settlement of the audit and any civil proceedings by the Office of Enforcement, ERA with respect to the transactions specified above, the sum of $490,000 in accordance with a schedule set forth in the Consent Order. The amount of the settlement will be refunded in the form of both direct payments to readily identifiable customers and certified checks made payable to the United States Department of Energy, which will be delivered to the Assistant Administrator for Enforcement, ERA. Those payable to the DOE will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts due to customers that are not readily identifiable in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded amounts 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 the revenues recovered 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, any adverse effects of the revenues recovered have become so diffused that it is a practical impossibility to identify specific, adversely affected persons. In such cases, 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 205.199I9(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 to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway Street, Boston, MA 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments On Northeast Petroleum Industries, Inc., Consent Order". We will consider all comments we receive by 4:30 p.m., local time on August 17, 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 Philadelphia, PA on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22322 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Northeast Petroleum Industries, Inc.; 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 19, 1979. Comments by August 17, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway St., Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, PA 19102, telephone number 215-597-3870.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Office of Enforcement of the ERA executed a Consent Order with Northeast Petroleum Industries, Inc., of Chelsea, Massachusetts. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Northeast Petroleum Industries, Inc. (Northeast), with its home office located in Chelsea, Massachusetts, is a firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain disputes between the Office of Enforcement of the ERA and Northeast in the course of its audit of Northeast, the Office of Enforcement, ERA and Northeast entered into a Consent Order which includes a settlement agreed to by both parties to resolve all issues without resort to lengthy proceedings which would be expensive and time consuming for both parties. The significant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the prices charged by Northeast in sales of gasoline from November 1, 1973 through April 30, 1974.

2. The ERA contends that Northeast recovered in its sales of gasoline revenues in excess of those allowed by 10 CFR § 212.93, as preceded by 6 CFR § 150.359. Northeast contends that its revenues from sales of gasoline did not exceed amounts allowed in accordance with the cited price rule.

3. Execution of the Consent Order constitutes neither a finding of any nature by the DOE nor an admission of the same by Northeast with respect to sales of gasoline.

4. In order to resolve its disputes with the ERA, Northeast agrees to refund $459,635, which amount represents a settlement of the audit proceeding and includes interest.

5. The provisions of 10 CFR § 205.199J are applicable to the Consent Order, except that subsection (c) of that regulation is not applicable.

II. Disposition of Refunded Amount

In this Consent Order, Northeast agrees to refund, in full settlement of the audit and any civil proceedings which might be brought by the ERA with respect to the transactions specified above, the sum of $459,635 in accordance with a Schedule of Payments set forth in the Consent Order. The amount of the settlement will be refunded in the form of certified checks 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 amounts 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 the revenues recovered have either been passed through as higher prices to subsequent purchasers or any adverse effects of the revenues recovered have become so diffused that it is a practical impossibility to identify specific, adversely affected persons. In such cases, 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 of 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 to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway Street, Boston, MA 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Northeast Petroleum Industries, Inc., Consent Order". We will consider all comments we receive by 4:30 p.m., local time on August 17, 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 Philadelphia, PA on the 6th day of July, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22323 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Wellen Oil, Inc.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Wellen Oil, Inc., on Hackensack River, Foot of Howell Street, Jersey City, New Jersey 07306. This Proposed Remedial Order charges Wellen Oil with pricing violations in the amount of $849,713, connected with the resale of No. 2 heating oil during the time period November 1, 1973, through December 31, 1973.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Herbert Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

On or before August 3, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Philadelphia, Pennsylvania, on the 6th day of July 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-22316 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-373]

Columbia Gulf Transmission Co.; Application

July 11, 1979.

Take notice that on June 18, 1979, Columbia Gulf Transmission Company (Applicant), 3805 West Alabama, Houston, Texas 77027, filed in Docket No. CP79-373 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 5,000 Mcf of natural gas per day with Gulf Oil Corporation (Gulf), all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to an advance payment agreement dated December 15, 1975, between Columbia Gas Transmission Corporation (Columbia Gas) and OXY Petroleum, Inc. (OXY), Columbia Gas has the right to purchase OXY's gas in Block 31, South Timbalier Area, offshore Louisiana, which gas is remote from Applicant pipeline system.[1] In order to receive this supply of gas into its pipeline system for Columbia Gas, Applicant has entered into an exchange agreement dated March 22, 1979, with Gulf, whereby Gulf would receive the gas from Applicant via a pipeline of the Block 31 producers at Gulf's existing South Timbalier Block 35 "D" Platform, and Gulf would deliver thermally equivalent volumes into Applicant's existing 12-inch pipeline on Gulf's "B" Platform in South Timbailer Block 36.

Applicant states that in consideration for Gulf's undertaking the South Timbalier exchange, Applicant has agreed to an exchange with Gulf whereby Applicant would receive certain gas from Sea Robin Pipeline Company (Sea Robin) for the account of Gulf at Erath, Louisiana, in exchange for which Applicant would deliver to Gulf at Venice, Louisiana, the gas volumes Applicant receives from the Grand Isle Processing Plant of Exxon Company, U.S.A., in Jefferson Parish Louisiana. That exchange is to be on a gas-for-gas basis, i.e., without assessment by Applicant of a transportation charge. The latter exchange is described as part of an arrangement for which Applicant has its application pending in Docket No. CP79-256.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

[1] Applicant indicates that Columbia Gas is currently negotiating to purchase OXY's 29.17 percent interest in Block 31, and is also negotiating to purchase Mono Power Company's 17 percent interest in Block 31.

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22274 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-496]

Commonwealth Edison Co.; Filing of Interconnection Agreement

July 12, 1979.

The filing Company submits the following:

Take notice that Commonwealth Edision Company on July 6, 1979, tendered for filing a new Interconnection Agreement between Commonwealth Edison Company, Northern Indiana Public service Company, and Commonwealth Edison Company of Indiana, Inc. dated July 1, 1979. The new agreement supersedes old agreements, and amendments thereto, and provides for the interchange of electric power and energy between Commonwealth Edison Company and Northern Indiana Public Service Company.

The new agreement includes service schedules for the exchange of Limited Term Power, Emergency Energy, Economy Energy, Short Term Power, Maintenance Energy and General Purpose Energy at several existing and two new points of interconnection.

Copies of the fining were served upon the Illinois Commerce Commission, Springfield, Illinois, and the Public Service Commission of Indiana, Indianapolis, Indiana, as well as Northen Indiana Public Service Company and Commonwealth Edison Company of Indiana, Inc.

Any person desiring to be heard or to protest said Application should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979, protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22275 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-498]

Commonwealth Edison Co.; Filing

July 12, 1979.

The filing Company submits the following:

Take notice that Commonwealth Edison Company on July 9, 1979 tendered for filing a new interconnection agreement between itself and Central Illinois Light Company. This agreement replaces an existing agreement between the parties on file with the Commission as Commonwealth Edison Company FERC Electric Service Tariff No. 6.

The new agreement provides service schedules for the exchange of Limited Term Power, Emergency Energy, Economy Energy, Short-Term Power, Maintenance Energy and General Purpose Energy at two points of interconnection.

Copies of the filing were served upon Central Illinois Light Company and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22276 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-225]

Consolidated Gas Supply Corp.; Petition To Amend

July 12, 1979.

Take notice that on June 13, 1979, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP78-225 a petition to amend the order issued August 23, 1978, in the instant docket pursuant to Section 7 of the Natural Gas Act for authorization to retain 0.29 mile of 8-inch pipeline, Line No. TL-367, in lieu of abandoning same, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the Order issued August 23, 1978, Consolidated was authorized, inter alia, to abandon 0.29 mile of 8-inch pipeline, Line No. TL-367, between the Lightburn Compressor Station and Wymer Junction, Lewis County, West Virginia. Consolidated indicates that it would retain Line No. TL-367 in transmission service for use as a supplementary feed for consumers in its Weston, West Virginia, distribution area and proposes to make the minor pipeline and related modifications necessary to effect the operation.

Consolidated further indicates the estimated capital cost of these facility modifications would be $67,281 and would be financed from funds on hand.

Consolidated proposes to install minor connecting, metering, regulating, and heating facilities at Lightburn Station, in order to retain Line TL-367 in service. These facilities would essentially replace similar or identical facilities and would be located on existing sites owned by Consolidated and used for similar purpose. No additional sales or services are proposed.

Consolidated states that retention of Line TL-367 would permit it to provide a supplementary source of gas to its customers in the Weston, West Virginia,

distribution area, which has in recent years been supplied during portions of the winter months with wet gas from Line No. H–32, a component of Consolidated's wet gas pipeline system. Under the instant proposal, this area would receive supplemental supplies of dry gas from storage through Line Nos. TL–367 and H–32. This would eliminate the need for fluid removal operations for this supply, with a resulting savings in operating and maintenance expenditures, while helping to insure continuity of service to Consolidated's customers in the Weston, West Virginia, area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22277 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP78–391, et al.]

Great Plains Gasification Associates, et al.; Order Granting Petitions To Intervene and Consolidating Proceedings

Issued: July 6, 1979.

Great Plains Gasification Associates, successor to ANR Gasification Properties Company and PGC Coal Gasification Co., Docket No. CP78–391; Columbia Gas Transmission Corp. Michigan Wisconsin Pipe Line Co., Natural Gas Pipe Line Co., of America, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Transcontinental Gas Pipe Line Corp., Docket Nos. CP75–278, CP77–556; Great Lakes Gas Transmission Co., Docket No. CP75–283.

On March 26, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wisc) and ANG Coal Gasification Company (ANG) filed in Docket No. CP75-278 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the sale by ANG to Mich-Wisc of commingled natural gas and synthetic natural gas (SNG) produced from coal, and (2) the construction and operation by Mich-Wisc of pipeline and compressor facilities to enable it to receive and transport such gas to its existing customers. On March 31, 1975, Great Lakes Gas Transmission Company filed in Docket No. CP75–283 a related transportation application pursuant to Section 7(c) of the Natural Gas Act. On May 9, 1977, Mich-Wisc and ANG amended their initial proposal to reflect co-ownership of the coal gasification facilities by ANR Gasification Properties Company (ANP) and PGC Coal Gasification Company. ANR thereby replaced ANG as the applicant. On August 8, 1977, PGC and American Natural Pipeline Company filed in Docket No. CP77–556 an appliation for the same project. All dockets related thereto were consolidated in Docket Nos. CP75–278, *et al.* on August 22, 1977.

On June 2, 1978, Great Plains Gasification Associates (Great Plains), as successor in interest to ANR Gasification Properties Company (ANP) and PGC Coal Gasification Company (PGC), filed in Docket No. CP78–391 an amendment to the applications for certificates of public convenience and necessity previously filed by ANP and PGC in Docket Nos. CP75–278 and CP77–556. By the amendment, Great Plains requested authority (1) to make jurisdictional sales of commingled gas in quantities equivalent on a Btu basis to the output of the Mercer County Coal gasification plant, less line loss incurred in the transportation of the gas to the customer pipeline companies, and (2) to restructure its rates to reflect the nonavailability of federal loan guarantees, the formation of the Great Plains consortium, and the requirements of prospective lenders.

Although the June 28, 1978 notice of the Great Plains amendment in Docket No. CP78–391 included Docket Nos. CP75–278 and CP77–556 in the heading and noted that those persons who filed for intervention in Docket Nos. CP 75–278 and CP75–556 need not file for intervention in Docket No. CP78–391, the notice did not formally consolidate the amendment with the previously consolidated proceedings in Docket Nos. CP75–278, *et al.* In view of the fact that the proceedings in Docket Nos. CP78–391 and CP75–278, *et al.*, involve common questions of law and fact, we hereby formally consolidate the proceedings for all purposes as provided in Section 1.20(b) of the Rules of Practice and Procedure.

After due notice of the applications and amendments by publication in the **Federal Register**, many interested persons filed petitions or notices to intervene in the proceedings. The following timely petitions have not yet been acted upon:

PGC Coal Gasification Company
Tennessee Gas Pipeline Company
Tenneco SNG, Inc.
Elizabethtown Gas Company
Entex, Inc.
Dayton Power & Light Company
Columbia Gas of Virginia, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Maryland, Inc.
Columbia Gas of West Virginia, Inc.
Columbia Gas of Kentucky, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of New York, Inc.
Northern Natural Gas Company
Transcontinental Gas Pipe Line Corporation
Long Island Lighting Company
Northern Illinois Gas Company
United Cities Gas Company
Northern Indiana Public Service Company
Iowa-Illinois Gas & Electric Company
Interstate Power Company
Peoples Gas Light & Coke Company and North Shore Gas Company
Iowa Power & Light Company
Cincinnati Gas & Electric Company and The Union Light, Heat & Power Company

Additionally, the Michigan Public Service Commission filed a timely notice to intervene in the proceedings as matter of right.

As sellers and distributors of natural gas, each timely petitioner named above has a substantial interest in the consolidated proceedings which is not adequately represented by existing parties to the proceeding. Each timely petitioner should, therefore, be granted intervention in the consolidated proceedings.

The following persons have filed late petitions to intervene in the proceedings:

Mississippi River Transmission Corporation
Northern States Power Company
Southern Natural Gas Company
Central Illinois Public Service Company
Wisconsin Southern Gas Company
Columbia Gas Transmission Corporation
National Fuel Gas Supply Corporation
North Carolina Utilities Commission

Petitioners Mississippi River Transmission Corporation and Wisconsin Southern Gas Company acknowledged their petitions were late

filed. Both filed petitions to intervene in Docket Nos. CP75–278, CP75–283, and CP77–556, all of which had a filing date of September 12, 1977 established by the Notice of Application and Consolidating Proceedings issued August 22, 1977. Mississippi River Transmission Company stated in its petition that the late filing was due to inadvertence, but indicated such minor delay would not prejudice any parties to the proceeding. Wisconsin Southern explained in its petition the Commission's Notice of Application and Consolidation issued August 22, 1977, did not come to petitioner's attention in time to prepare and file a petition to intervene within the date therein specified.

Petitioner Central Illinois Public Service Company filed its petition to intervene in the above-captioned matter on September 14, 1977, two days after the filing date. Southern Natural filed on July 20, 1978, one day after the filing date of July 19, 1978, established by the Commission's Notice of Amendment to Application issued June 28, 1978. As previously noted, such minor delays will have no prejudicial effect on any existing parties in this proceeding, and each petitioner herein involved has a substantial economic and legal interest in the applicants' proposed project.

Petitioner Northern States Power Company acknowledged the untimeliness of its petition filed January 20, 1978. However, the petitioner noted it will be bound by any Commission decision, intervention is necessary and appropriate to adequately represent the interests of its customers, and that its participation in the present proceedings is in the public interest.

Petitioner National Fuel Gas Supply Corporation stated in its petition filed September 19, 1978, that the Great Plains filing will have a direct and significant impact on the volume and level of rates at which National Fuel is able to purchase gas from three of the customer pipeline companies in the future. It notes that the petition was late-filed due to the press of other matters, but contends that the lateness of its intervention will not delay expeditious processing of the Great Plains application.

The North Carolina Utilities Commission filed a late notice of intervention on November 1, 1978. As the agency responsible for the regulation of natural gas rates in the State of North Carolina, the North Carolina Utilities Commission is interested in the costs of the proposed coal gasification project which will be borne, in part, by the ratepayers purchasing gas service in North Carolina.

Filing dates for each of the aforementioned dockets have been revised on several occasions, such revisions being mandated by new applications filed for the same project subsequent to significant changes of circumstance. The most recent filing date for these proceedings was September 18, 1978, established by a notice issued September 6, 1978. Although the petitions herein considered were technically late filed, in light of the particular developments and circumstances of this proceeding, it would be inequitable to deny such petitions while accepting others filed later chronologically, but within the specified filing date. As noted above, all petitioners have a substantial interest in the proceeding and the delay caused by their late filings will not prejudice any other parties herein. Consequently, good cause exists for granting the late filed petitions to intervene.

The Commission finds:

(1) Due to common issues of law and fact, consolidation of the foregoing applications is necessary, appropriate, and in the public interest.

(2) Participation by the above-named petitioners to intervene may be in the public interest and good cause exists to permit the late interventions.

The Commission orders:

(A) The applications in Docket Nos. CP75–278, CP77–556, CP75–283, and CP78–391 are hereby consolidated for all purposes.

(B) All of the above-named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission. *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions for leave to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The intervenors shall take the record as it now stands in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22278 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. G-4143, et al.]

Gulf Oil Corp., et al.; Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

July 3, 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.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission 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 proposed abandonment is required by the public convenience and necessity. 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-4143, D, 6/18/79	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Northern Natural Gas Company, Hugoton Field, Kearny, Finney, Haskell, and Seward Counties, Kansas.	(1)	
G-5716, D, 6/18/79	Northern Natural Gas Producing Company, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Finney County, Kansas.	To release gas for irrigation fuel	
CI64-670, D, 6/22/79	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840.	Arkansas Louisiana Gas Company, West Wilburton Field, Pittsburg County, Oklahoma.	(2)	
CI75-749, C, 11/9/78	Marathon Oil Company	El Paso Natural Gas Company, Dark Canyon Area, Eddy County, New Mexico.	(3)	14.65
CI77-345, C, 6/7/79	Amoco Production Company, P.O. Box 50879, New Orleans, La. 70150.	Sea Robin Pipeline Company, South Marsh Island Block 128 Field, Offshore Louisiana.	(4)	15.025
CI77-786, C, 6/14/79	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Ca. 94120.	Natural Gas Pipeline Company of America, Vermilion Block 262 Field, Offshore Louisiana.	(4)	15.025
CI78-317, C, 6/12/79	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Columbia Gas Transmission Corporation, Block No. 34, East Cameron Area, Gulf of Mexico.	(5)	15.025
CI78-943, C, 6/15/79	Quintana Offshore, Inc., P.O. Box 3331, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, West Cameron Area Block 613 and Seller's "B" Platform Blocks A-349, 612 and 613, Gulf of Mexico.	(6)	15.025
CI78-950, C, 6/15/79	Quintana Oil & Gas Corp., P.O. Box 3331, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, West Cameron Area Block 613 and Seller's "B" Platform, Blocks A-349, 612 and 613, Gulf of Mexico.	(6)	15.025
CI79-486, A, 6/7/79	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Southern Natural Gas Company, South Pass Block 24 Field, Plaquemines Parish, Louisiana.	(7)	15.025
CI79-488, A, 5/23/79	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	United Gas Pipe Line Company, High Island Block 179 and Galveston Block 180, Offshore Texas.	(8)	14.65
CI79-489, A, 5/31/79	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Northern Natural Gas Company, Certain acreage in the Hugoton Field, Finney County, Kansas.	(9)	14.65
CI79-490, A, 5/31/79	General Crude Oil Company, P.O. Box 2252, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, South Pelto Area, Block 13, Offshore Louisiana.	(10)	15.025
CI79-491 (CI73-148), B, 6/1/79	Continental Oil Company, P.O. Box 2197, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Block 77, East Cameron, Offshore Louisiana.	Lease expired for lack of production and was released on 11-7-78.	
CI79-492, A, 6/7/79	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Florida Gas Transmission Company, Big Escambia Creek Field, Escambia County, Alabama.	(11)	15.025
CI79-493, A, 6/14/79	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Block 540 Field, West Cameron Area, Offshore Louisiana.	(12)	15.025
CI79-494, A, 5/22/79	Anadarko Production Company, P.O. Box 1330, Houston, Texas 77001.	Trunkline Gas Company, High Island Block A-511, Offshore Texas.	(13)	14.65
CI79-495, B, 5/17/79	R. & S. Gas Company, Route #4, Box 36-13, Weston, W. Va. 26452.	Penova Interests now Warren Associates, Murphy District, Ritchie County, West Virginia.	(14)	
CI79-496, A, 6/11/79	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Northern Natural Gas Company, Block 261, Eugene Island Area, Offshore Louisiana.	(15)	15.025
CI79-497, E, 6/11/79	Gulf Oil Corporation (Succ. in Interest to Kewanee Oil Company) P.O. Box 2100, Houston, Texas 77001.	Gas Transport, Inc., Certain acreage located in the Grant and Tygart Districts, Jackson and Woods Counties, West Virginia.	(16)	14.65
CI79-498, A, 6/12/79	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, High Island Block 179 and Galveston Block 180, Offshore Texas.	(17)	14.65
CI79-499, A, 6/14/79	Marathon Oil Company (Operator), 539 South Main Street, Findlay, Ohio 45840.	Transcontinental Gas Pipe Line Corporation, West Cameron Area, West Cameron Block 619 Field, Offshore Louisiana.	(18)	15.025
CI79-504, A, 6/18/79	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Transcontinental Gas Pipeline Corporation, Galveston Area, Blocks A-131 and A-157 Field, Offshore Gulf of Mexico.	(7)	14.65
CI79-505, A, 6/4/79	American Natural Gas Production Company, 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.	Michigan Wisconsin Pipe Line Company, South Pelto Block 13, Offshore Louisiana.	(19)	15.025
CI79-507, A, 6/6/79	Monsanto Company, 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Columbia Gas Transmission Corporation, OCS-G-2347 Lease, Galveston Area, Block A-157, South Addition, Federal Offshore Texas.	(20)	14.65
CI79-508, A, 6/18/79	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, East Cameron Block 97, Offshore Louisiana.	(21)	15.025
CI79-509, A, 6/21/79	Cabot Corporation, 1 Houston Center, Suite 1000, Houston, Texas 77002.	Western Gas Interstate Company, Sec. 17-T3N-R15ECM, Texas County, Oklahoma.	(22)	14.65
CI79-510, F, 6/18/79	Cotton Petroleum Corporation (Partial Succ. in Interest to Ladd Petroleum Corporation), Suite 4200, One William Center, Tulsa, Oklahoma 74172.	Colorado Interstate Gas Company, Federal No. 1-22-74 well, Sec. 22-T17N-R94W, Sweetwater County, Wyoming.	(23)	15.025
CI79-511, B, 6/25/79	George W. Graham, Inc., 400 First—Wichita Natl. Bank Building, Wichita Falls, Texas 76301.	Emory M. Spencer, Fulton Beach Field, Aransas County, Texas.	Gas to be sold directly to Natural Gas Pipeline Co of America.	

[1] To allow gas to be diverted from interstate commerce to be used for pumping irrigation wells from wells in Sec. 36-22S-35W, Kearny County, Kansas.
[2] By Partial Assignment of Oil and Gas Lease dated 3-3-78, Marathon assigned its interest to a depth from the surface down to 12,560 feet to Mustang Production Company.
[3] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[4] Applicant is willing to accept a certificate in accordance with the Natural Gas Policy Act of 1978.
[5] Applicant is willing to accept a certificate under the Natural Gas Policy Act of 1978 subject to any rights (which are expressly reserved) which it may have to qualify for a higher contractually supported rate.
[6] Applicant is filing under Gas Purchase Contract dated 6-26-78, as amended 5-29-79.
[7] Applicant is filing under Gas Purchase Contract dated 10-17-78.
[8] Applicant is filing under Gas Sale and Purchase Contract dated 1-22-79.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated 8-1-50, as amended 2-15-79.
[10] Applicant is filing under Gas Sales Contract dated 5-17-79.
[11] Applicant is filing under Contract dated 12-8-76.
[12] Applicant is filing under Gas Purchase Contract dated 1-31-79.
[13] Applicant is filing under Gas Purchase Contract dated 1-11-79.
[14] Applicant is seeking permission to cancel the contract with Penova Interest (Warren Associates) and sell the gas to either Consolidated Gas Supply Corp. or Cabot Corp.
[15] Applicant is filing under Gas Purchase Contract dated 6-8-79.
[16] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by Contract dated 9-13-76.
[17] Applicant is filing under Gas Sale and Purchase Contract dated 5-9-79.
[18] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended and as modified by the Natural Gas Policy Act of 1978.
[19] Applicant is filing under Gas Sales Contract dated 3-14-79.
[20] Applicant is filing under Contract dated 5-30-79.
[21] Applicant is filing under Section 109 of the Natural Gas Policy Act of 1978.
[22] Applicant is filing under Gas Purchase Agreement dated 5-24-79.
[23] Applicant is successor to the interest of Ladd Petroleum Corporation in the Federal No. 1-22-74 well by virtue of an Assignment of Operating Rights between Ladd Petroleum Corporation and Applicant dated 1-15-79.

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. 79-22178 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-361]

The Inland Gas Co.; Application

July 11, 1979.

Take notice that on June 13, 1979, The Inland Gas Company (Inland), 340 17th Street, Ashland, Kentucky 41101, filed in Docket No. CP79-361 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for deliveries of natural gas to right-of-way and Kentucky Revised Statutes (KRS) customers, all as more fully set forth in the appendix hereto and in the application which is on file with the Commission and open for public inspection.

Inland proposes to construct and operate gas service taps and metering facilities for twelve rural, residential right-of-way customers and seventy-six KRS customers in Boyd, Floyd, Johnson, Knott, Lawrence and Magoffin Counties, Kentucky. The twelve right-of-way customers, the application indicates, have requested gas service pursuant to the terms of certain right-of-way agreements between them and Inland and the seventy-six KRS customers have requested gas service pursuant to a Kentucky statute (KRS 278.485) (see Appendix).

Inland, as a part of the consideration for the grant of a right-of-way, agreed to supply gas for one domestic dwelling located on each right-of-way. The volumes to be supplied to the twelve right-of-way customers are minimal and would not affect Inland's service to existing customers, the application indicates.

Inland further indicates that service to the seventy-six KRS customers would be from rural farm taps made on Inland's gathering and well lines and all of the gas so supplied would go for residential usage.

The average cost of each of the pipeline taps including the materials to be furnishing by Inland is estimated to be $205, for a total estimated cost of $18,040 and would be financed from internally generated funds.

Any person desiring to be heard to to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Inland to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix.—*Residential Right-of-Way Customers*

Name	Tap location	County
1. Victor Scherrer	Garrett	Knott.
2. Manis Shepherd	Garrett	Knott.
3. Allie Inman	Garrett	Knott.
4. Victor Scherrer	Garrett	Floyd.
5. Michael Boleyn	Garrett	Floyd.
6. L. Wayne Potter	Garrett	Floyd.
7. Wayne Cox	Garrett	Floyd.
8. Joe Meadows	Water Gap	Floyd.
9. Jerry Combs	Garrett	Floyd.
10. Bill Lafferty	Water Gap	Floyd.
11. Curtis Ousley	Water Gap	Floyd.
12. Buford Ramey	Garrett	Floyd.

KRS Customers

Name	County	Line No.
1. Bert Holbrook	Boyd	AW-K106
2. Brenda Gray	Floyd	EG-29
3. Chalmer Honeycutt	Knott	IW-327
4. Ivis Vance	Knott	IG-
5. Darvin Allen	Magoffin	G-39
6. Larry M. Jones	Floyd	G-28
7. Joe Skeens	Floyd	EG-20
8. Ike Skeen	Floyd	DG-20
9. Edward H. Thomas	Knott	DG-20
10. Stan Bostic	Boyd	AG-124
11. Jerry Martin	Floyd	GG-60
12. Jim Lafferty, Jr	Floyd	EG-29
13. Paul Robinson	Floyd	EG-29
14. H. D. Calhoun	Boyd	AG-124
15. Ricky A. Bays	Floyd	DG-25
16. Benny Combs	Floyd	HG-79
17. Creed Acres	Floyd	HW-143
18. R. Percy Elkins	Knott	IG-93
19. Donny Williams	Magoffin	G-39
20. James Spradlin	Floyd	EG-35
21. Harold Williams	Magoffin	EG-39
22. Clyde Morton	Knott	HW-385
23. Harold Aleshire	Boyd	AG-8
24. Neil S. Watson	Floyd	G-108
25. Earl Bolen	Floyd	G-108
26. James W. Wiler	Lawrence	G-123
27. George Patrick	Knott	IG-92
28. Roland E. Gray	Floyd	EG-29
29. David Napier	Knott	IG-88
30. Wayne Hale	Magoffin	G-39
31. Hanson Holbrook	Floyd	G-39
32. Paul T. Hale	Magoffin	G-39
33. Harold R. B. Runyan	Boyd	AG-124
34. Wallace M. Conley	Johnson	G-123
35. Robert Bailey	Floyd	G-108
36. Morton Combs	Knott	G-108
37. Woats Chaffins	Knott	IG-88
38. Malcolm Brown	Floyd	G-123
39. Forest Porter	Floyd	EG-29
40. Claude Bowling	Floyd	G-108
41. Ples Baker	Knott	IG-92
42. Robert Ferguson	Lawrence	G-123
43. Clemon Slone	Knott	HG-82
44. Clyde Hazelett	Johnson	G-123
45. Teddy Ray Shepherd	Floyd	G-77
46. John L. Lemasters	Johnson	CG-12
47. J. B. Collins	Letcher	IW-516
48. Paul Auxier	Johnson	G-123
49. Woodrow Patrick	Knott	G-128
50. Michael Boleyn	Floyd	HG-80
51. Bert C. Parsley	Boyd	AW-K53
52. Willie Fairchild	Johnson	G-123
53. Tommy Waddell	Knott	IG-125
54. James R. Cline	Floyd	G-123
55. Billie Gayle Lafferty	Floyd	EG-29
56. Elzie Campbell	Floyd	G-123
57. Eddie Dean Lowe	Floyd	G-12
58. Jerry Combs	Floyd	G-108
59. Daisy Shepherd Holliday	Magoffin	G-39
60. Josephine Whitaker	Johnson	G-123
61. Eva M. Estep	Johnson	G-123
62. Richard K. Ratcliffe	Johnson	G-123
63. Dave Estepp	Johnson	G-123
64. Jay Handshoe	Magoffin	G-39
65. Glenn Childers	Floyd	G-123
66. Elwood Conley	Floyd	IW-143
67. Wanda Billings	Boyd	AG-124
68. John Adams	Knott	IW-315
69. Lloyd B. Wireman	Magoffin	G-39
70. Harold Green	Johnson	G-123
71. Don Davidson	Knott	IW-269
72. Paul Maddix	Boyd	AG-528
73. Hershel Slone	Floyd	G-108
74. Gold Howard	Floyd	G-108
75. Gordon Howard	Floyd	G-108
76. Polly Howard	Floyd	G-108

[FR Doc. 79-22273 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-499]

Louisville Gas & Electric Co; Filing

July 12, 1979.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E) on July 9, 1979, tendered for filing pursuant to the Interconnection Agreement between LG&E and Public Service Company of Indiana, Inc. (PSI) a Fifth supplemental Agreement.

LG&E indicates that said Supplemental Agreement provides for an increase in the demand charge for Short Term Power from 60¢ per kilowatt per week to 70¢ per kilowatt per week, and for the addition to said Interconnection Agreement of Service Schedule G providing for a special temporary connection of the systems of LG&E and PSI and the temporary

delivery of power and energy through such connection. Said Service Schedule G establishes compensation of $3,000 per month to be paid by PSI to LG&E for the duration of the temporary connection, estimated to be 19 months. Power and energy delivered by LG&E to PSI through such connection will be offset by concurrent deliveries by PSI to LG&E through other delivery points.

LG&E requests an effective date of September 16, 1979, with respect to the change in Short Term Power demand charge. With respect to the addition of Service Schedule G, LG&E requests waiver of the 60 day notice requirement so that said Service Schedule G may become effective August 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22279 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CS72-203, et al.]

Petro-Lewis Funds, Inc. (Successor in Interest to Ashland Exploration, Inc.); Applications for "Small Producer" Certificates [1]

July 12, 1979.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervence or protests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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 beleives that a grant of the certificates is required by the public convenience and necessity. 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 be represented at the hearing.

Kenneth F. Plum,

Secretary.

Docket No.	Date filed	Applicant
CS72-203	June 26, 1979[1]	Petro-Lewis Funds, Inc. (Succ, in Interest to Ashland Exploration, Inc.), P.O. Box 2250, Denver, Colorado 80201.
CS72-455[2,3,4]	June 1, 1979[2]	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.
CS73-553	June 7, 1979[3]	Phoenix Resources Company (Succ. to King Resources Company), 3555 N.W. 58th, Suite 300, Oklahoma City, Okla. 73112.
CS79-422	June 15, 1979[4]	Jack Bleakley, 401 First Savings Building, 103 S. Irving, San Angelo, Texas 76902.
CS79-444	June 1, 1979	Harris Clay, 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-445	June 1, 1979	Lawrence Valenstein, 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-446	June 6, 1979	ICI Delaware Inc., Wilmington, Delaware 19897.
CS79-447	June 7, 1979	Oklahoma Energy Associates, 8401 Connecticut Ave., PH #3, Chevy Chase, Maryland 20015.
CS79-448	May 22, 1979	WYTEX Production Corporattion, Box 3632, Forth Smith, Arkansas 72913.
CS79-449	June 8, 1979	TABCO Producing Company, 5401 Wimbledon CT., New Orleans, LA. 70114.
CS79-450	June 8, 1979	Ira A. Schur, 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-451	June 11, 1979	Bobby Joe May, 600 Beck Building, Shreveport, La. 71101.
CS79-452	June 11, 1979	Deborah Dawn Stephenson, 600 Beck Building, Shreveport, La. 71101.
CS79-453	June 11, 1979	Thomas N. Capucille, 3001 City National Bank Twr., Oklahoma City, Okla. 73102.
CS79-454	June 11, 1979	Jemes M. Raymond, *et al.*, 1210 Lois Street, P.O. Box 1445, Kerrville, Texas 78028.
CS79-455	June 13, 1979	Canso Oil & Gas, Inc., 37 Lewis Street, Hartford, Connecticut 06103.
CS79-456	June 14, 1979	Many States Oil Company, P.O. Box 987, Claremore, Okla. 74017.
CS79-457	June 14, 1979	Benjamin M. and John R. Peters, Jr., 3209 Armand Street, Monroe, Lousiana 71201.
CS79-458	June 14, 1979	Samuel R. Wynn (dba) Wynn Oil Company, 150 Hillsboro, Route #1, Marietta, Ohio.
CS79-459	June 18, 1979	LeClair-Westwood, Inc., 518 17th St., Suite 388, Denver, Colorado 80202.
CS79-460	June 18, 1979	Robert S. Moehlman, 600 Jefferson Avenue, Suite 930, Houston, Texas 77002.
CS79-461	June 18, 1979	Richard Phillips, P.O. Box 966, Corpus Christi, Texas 78403.
CS79-462	June 18, 1979	Starr Drilling Partnership, a Joint Venture, P.O. Box 966, Corpus Christi, Texas 78403.
CS79-463	June 18, 1979	Pres-Lo, Inc., P.O. Box 288, Winfiled, Kansas 67156.
CS79-464	June 18, 1979	Little Tiger Oil Company, Inc., P.O. Box 344, Carthage, Texas 75633.
CS79-466	June 22, 1979	Mary Ruth McCrory, Individual, P.O. Box 25764, Albuquerque, New Mexico 87125.
CS79-467	June 21, 1979	Proteus Petroleum, Inc., 226 Carondelet Street, Suite 210, New Orleans, Louisiana 70130.
CS79-468	June 21, 1979	Unidel Oil Corporation, Princes House, 95 Gresham Street, London, EC2V 7BS.
CS79-469	June 25, 1979	ENERGEX Corporation, 225 Fourth Street, Parkersburg, W. Va. 26101.
CS79-470	June 22, 1979	Houston Oil Fields Co., 802 First City Natl. Bldg., Houston, Texas 77002.
CS79-472	June 25, 1979	Carson Petroleum Corporation, 2190 Liberty Tower, Oklahoma City, Oklahoma.
CS79-473	June 25, 1979	G. T. & R. A. Kimbell Trust, 800 Oil & Gas Bldg., Wichita Falls, Texas 76301.

Docket No.	Date filed	Applicant
CS79-474	June 25, 1979	G. T. Kimbell Estate, 800 Oil & Gas Bldg., Wichita Falls, Texas 76301.
CS79-475	June 25, 1979	McCormick 1978 Oil & Gas Program, Two Allen Center, Suite 3600, Houston, Texas 77002.

[1] Petro-Lewis Funds, Inc. acquired through purchase as of 1-1-79, all of the working interest of Ashland Exploration, Inc. in natural gas produced and sold by Ashland to Southern Natural Gas Company from the Monroe Filed, Ouachita, Union and Morehouse Parishes, Louisiana, under Ashland's FERC GRS No. 103. Ashland's sale was made as successor-in-interest to United Carbon Company pursuant to certificate authorization issued 7-30-57, in Docket No. G-3913. Petro-Lewis Funds, Inc. certifies its intention to continue the sale of gas previously made under Ashland's Rate Schedule No. 103 to Southern Natural Gas Company under Petro-Lewis Funds, Inc's. small producer certificate in Docket No. CS72-203.

[2] Oleum Incorporated (Oleum) was acquired by Diamond Shamrock Corporation (Diamond Shamrock), a large producer, on 2-23-79. Oleum's status as a small producer has terminsted effective as of the date of the acquistion.

[3] Phoenix Resources Comany is filing as successor to King Resources Company, for a Small Producer's Exemption.

[4] Being noticed to reflect a change of address.

[FR Doc. 79-22271 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. G-6296, et al.]

Tenneco Oil Co., et al., Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

July 10, 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 18, 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 notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission 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 proposed abandonment is required by the public convenience and necessity. 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.

Kenneth F. Plumb,

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-6296, C, 10/20/78	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	El Paso Natural Gas Company, Jalmat Field, Lea County, New Mexico.	(1)	14.65
CI76-230, C, 4/24/78	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	El Paso Natural Gas Company, Parkway West Field, Eddy County, New Mexico.	(1)	14.65
CI78-519, C, 6/26/78	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Northwest Pipeline Corporation, Winchester Morrow Field, State CX Com. No. 1 Well, Eddy County, New Mexico.	(1)	14.65
CI78-519, C, 7/24/78	Gulf Oil Corporation	Millman South Field, Eddy County, New Mexico	(1)	14.65

[1] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

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. 79-22272 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

July 12, 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 (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. 79–10945
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. John Aranyosi #4
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10946
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. John Aranyosi #3
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10947
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10948
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10949
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment #1–A
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10950
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment-Stewart-State #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10951
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc
5. Floyd Investment-Stuckey-State #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10952
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Floyd Investment-Stuckey-State #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10953
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Mary Anna Freemyer #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10954
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Mary Anna Freemyer #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10955
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Keiffer #1–A
6. East Mt. Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10956
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #2–A
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10957
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #3–A
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10958
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #1–B
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10959
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #1–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Cystal Oil Company

1. 79–10960
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #2–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10961
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.

5. Lawrence Kieffer #3–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10962
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lawrence Kieffer #4–C
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10963
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10964
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey Community #1
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10965
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey #3
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

1. 79–10966
2. 13–051–00000
3. 102
4. Etco Oil Operations Inc.
5. Lafferty-Hershey Community #2
6. East Mt Carmel
7. Gibson, IN
8. .0 million cubic feet
9. June 25, 1979
10. Crystal Oil Company

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. 79–11064
2. 17–075–22465
3. 102
4. Exxon Corp
5. Orleans Levee Board No 90
6. Potash
7. Plaquemines, LA
8. 250.0 million cubic feet
9. June 27, 1979
10. United Gas Pipe Line Co

1. 79–11065
2. 17–127–20717
3. 102
4. Justiss-Mears Oil Co Inc
5. WX RC VU A W LA Pacific 2
6. Hattaway Branch
7. Winn, LA
8. 20.0 million cubic feet
9. June 27, 1979
10. United Gas Pipe Line Co

1. 79–11066
2. 17–127–20650
3. 102
4. Justiss-Mears Oil Co Inc
5. WX RB VU A Pardee 2
6. Hattaway Branch
7. Winn, LA
8. 30.0 million cubic feet
9. June 27, 1979
10. United Gas Pipe Line

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–11067
2. 30–025–25627
3. 103
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 423
6. Drinkard
7. Lea, NM
8. 227.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company, Northern Natural Gas Company, Getty Oil Company

1. 79–11068
2. 30–025–25549
3. 103
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 424
6. Drinkard
7. Lea, NM
8. 210.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Co, Northern Natural Gas Company, Getty Oil Company

1. 79–11069
2. 30–025–00000
3. 108
4. C E Long
5. Rector No 1
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 14.0 million cubic feet
9. June 27, 1979
10. Warren Petroleum Company

1. 79–11070
2. 30–025–00000
3. 108
4. Husky Oil Company
5. North Shore Woolworth #3
6. Mattix
7. Lea, NM
8. 11.4 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11071
2. 30–039–00000
3. 108
4. Joseph B Gould
5. Skelly No 2
6. Otero Chacra Field
7. Rio Arriba, NM
8. 175.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11072
2. 30–025–00000
3. 108
4. General Operating Company
5. State BC #2
6. E–K Yates-SR-Queen
7. Lea, NM
8. 3.6 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company

1. 79–11073
2. 30–025–07948
3. 108
4. Martindale Petroleum Corporation
5. Rocket Cain #1
6. Hobbs San Andres East
7. Lea, NM
8. 3.2 million cubic feet
9. June 27, 1979
10.

1. 79–11074
2. 30–025–00000
3. 108
4. Gulf Oil Corp
5. Eubank Well No 7
6. Drinkard
7. Lea, NM
8. 11.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11075
2. 30–025–00000
3. 108
4. Harris & Walton
5. J L Coates No 2
6. Jalmat Yates
7. Lea, NM
8. 1.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11076
2. 30–015–21244
3. 108
4. Read & Stevens Inc
5. Mesa Com #1
6. Cemetary Morrow
7. Eddy, NM
8. 10.8 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11077
2. 30–015–00000
3. 108
4. Read & Stevens Inc
5. Bogle Farms #2
6. Mesa Queen
7. Eddy, NM
8. 11.4 million cubic feet
9. June 27, 1979

10. Phillips Petroleum Company
1. 79–11078
2. 30–025–10823
3. 108
4. Millard Deck
5. May A #1
6. Langlie Mattix Queen
7. Lea, NM
8. 2.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11079
2. 30–025–10745
3. 108
4. Millard Deck
5. Kelly State #4
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 4.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11080
2. 30–025–10743
3. 108
4. Millard Deck
5. Kelly State #1
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 2.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11081
2. 30–025–10744
3. 108
4. Millard Deck
5. Kelly State #2
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 2.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas
1. 79–11082
2. 30–025–25380
3. 108
4. Millard Deck
5. L W White A #1
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 7.0 million cubic feet
9. June 27, 1979
10. Phillips Petroleum
1. 79–11083
2. 30–025–10742
3. 108
4. Millard Deck
5. Kelly State #3
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 9.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. 79–11084
2. 30–025–07943
3. 108
4. Martindale Petroleum Corporation
5. Carrie O Davis #1
6. Hobbs San Andres East
7. Lea, NM
8. .7 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11085
2. 30–025–07944
3. 108
4. Martindale Petroleum Corporation
5. Carrie O Davis #2
6. Hobbs San Andres East
7. Lea, NM
8. 1.3 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11086
2. 30–025–00000
3. 108
4. C E Long
5. Huston No 1
6. Eunice-Monument (G–SA)
7. Lea, NM
8. 7.0 million cubic feet
9. June 27, 1979
10. Warren Petroleum Company
1. 79–11087
2. 30–025–00000
3. 108
4. C E Long
5. Pech State No. 1
6. Jalmat Yates Seven Rivers
7. Lea, NM
8. 4.0 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11088
2. 30–025–00000
3. 108
4. C E Long
5. Shell-Staste No. 1
6. Jalmat Yates Seven Rivers
7. Lea, NM
8. 6.0 million cubic feet
9. June 27, 1979
10. Warren Petroleum Company
1. 79–11089
2. 30–025–07949
3. 108
4. Martindale Petroleum Corporation
5. Rocket Cain #2
6. Hobbs San Andres East
7. Lea, NM
8. 5.1 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11090
2. 30–025–07945
3. 108
4. Martindale Petroleum Corporation
5. Carrie O Davis #3
6. Hobbs San Andres East
7. Lea, NM
8. 3.2 million cubic feet
9. June 27, 1979
10. Phillips Petroleum Company
1. 79–11091
2. 30–025–00000
3. 108
4. Warren Petroleum Co Div of Gulf Oil
5. South Penrose Skelly Unit Well No 18
6. Penrose Skelly
7. Lea, NM
8. 5.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11092
2. 30–039–20055
3. 108
4. Joseph B Gould
5. Skelly No 1
6. Otero Chacra Field
7. Rio Arriba, NM
8. 165.0 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company
1. 79–11093
2. 30–039–07239
3. 108
4. El Paso Natural Gas Company
5. San Juan 28–5 Unit #21
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 21.2 million cubic feet
9. June 27, 1979
10. El Paso Natural Gas Company

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 of Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 79–10969
2. 47–001–00824
3. 108
4. Allegheny Land and Mineral Co
5. A–605
6. Phillips District
7. Barbour, WV
8. 18.2 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10970
2. 47–033–01111
3. 108
4. Allegheny Land and Mineral Co
5. A–675
6. Clark District
7. Harrison, WV
8. 16.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10971
2. 47–041–01050
3. 108
4. Allegheny Land and Mineral Co
5. A–192
6. Court House District
7. Lewis, WV
8. 2.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10972
2. 47–033–00250
3. 108
4. Allegheny Land and Mineral Co
5. A–166
6. Simpson District
7. Harrison, WV
8. 6.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–10973
2. 47–017–00600
3. 108
4. Allegheny Land and Mineral Co
5. A–155

6. McClellan District
7. Doddridge, WV
8. 2.2 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10974
2. 47–017–01801
3. 108
4. Allegheny Land and Mineral Co
5. A–561
6. Southwest District
7. Doddridge, WV
8. 1.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10975
2. 47–021–01407
3. 108
4. Allegheny Land and Mineral Co
5. A–171
6. Glenville District
7. Gilmer, WV
8. 2.3 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10976
2. 47–033–00965
3. 108
4. Allegheny Land and Mineral Co
5. A–580
6. Elk District
7. Harrison, WV
8. 7.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10977
2. 47–085–02670
3. 108 Denied
4. Allegheny Land and Mineral Co
5. A–199
6. Murphy District
7. Ritchie, WV
8. 2.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10978
2. 47–041–00686
3. 108 Denied
4. Allegheny Land and Mineral Co
5. A–109
6. Appalachian Basin
7. Lewis, WV
8. 1.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10979
2. 47–021–02667
3. 108
4. Allegheny Land and Mineral Co
5. A–604
6. Dekalb District
7. Gilmer, WV
8. 1.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10980
2. 47–041–00539
3. 108
4. Allegheny Land and Mineral Co
5. A–98
6. Hackers Creek District
7. Lewis, WV
8. 4.5 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10981
2. 47–041–00792
3. 108
4. Allegheny Land and Mineral Co
5. A–153
6. Hackers Creek District
7. Lewis, WV
8. 5.6 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10982
2. 47–041–00617
3. 108
4. Allegheny Land and Mineral Co
5. A–104
6. Courthouse District
7. Lewis, WV
8. 2.8 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–10983
2. 47–083–00227
3. 103
4. Allegheny Land and Mineral Co
5. A–718
6. Middle Fork District
7. Randolph, WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp

1. 79–10984
2. 47–103–01148
3. 103
4. Allegheny Land and Mineral Co
5. A–758
6. Grant District
7. Wetzel, WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10985
2. 47–033–01994
3. 103
4. Allegheny Land and Mineral Co
5. A–786
6. Sardis District
7. Harrison, WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10986
2. 47–033–01943
3. 103
4. Allegheny Land and Mineral Co
5. A–772
6. Union District
7. Harrison, WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10987
2. 47–041–02540
3. 103
4. Allegheny Land and Mineral Co
5. A–770
6. Hackers Creek District
7. Lewis, WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10988
2. 47–033–01053
3. 103
4. Allegheny Land & Mineral Co
5. A–656
6. Eagle Dist
7. Harrison WV
8. 22.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10989
2. 47–033–01049
3. 103
4. Allegheny Land & Mineral Co
5. A–657
6. Sardis Dist
7. Harrison WV
8. 22.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10990
2. 47–097–01730
3. 103
4. Allegheny Land & Mineral Co
5. A–661
6. Union
7. Upshur WV
8. 25.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10991
2. 47–041–02120
3. 103
4. Allegheny Land & Mineral Co
5. A–653
6. Hackers Creek Dist
7. Lewis WV
8. 34.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10992
2. 47–085–02479
3. 108 Denied
4. Allegheny Land & Mineral Co
5. A–165
6. Murphy Dist
7. Ritchie WV
8. 2.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10993
2. 47–085–02590
3. 108 Denied
4. Allegheny Land & Mineral Co
5. A–189
6. Murphy District
7. Ritchie WV
8. 1.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10994
2. 47–085–02547
3. 108 Denied
4. Allegheny Land & Mineral Co
5. A–182
6. Murphy District
7. Ritchie WV
8. 2.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10995
2. 47–033–00963
3. 108
4. Allegheny Land & Mineral Co
5. A–603
6. Sardis District

7. Harrison WV
8. 20.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10996
2. 47–021–02789
3. 108
4. Allegheny Land & Mineral Co
5. A–636
6. Center District
7. Gilmer WV
8. 9.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10997
2. 47–033–00949
3. 108
4. Allegheny Land & Mineral Co
5. A–581
6. Union District
7. Harrison WV
8. 21.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10998
2. 47–103–00605
3. 108
4. Allegheny Land & Mineral Co
5. A–557
6. Grant District
7. Wetzel WV
8. 6.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–10999
2. 47–013–02545
3. 108
4. Allegheny Land & Mineral Co
5. A–558
6. Washington District
7. Calhoun WV
8. 4.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11000
2. 47–033–00911
3. 108
4. Allegheny Land & Mineral Co
5. A–534
6. Union District
7. Harrison WV
8. 19.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11001
2. 47–041–01382
3. 108
4. Allegheny Land & Mineral Co
5. A–279
6. Hackers Creek District
7. Lewis WV
8. 2.6 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–11002
2. 47–041–01528
3. 108
4. Allegheny Land & Mineral Co
5. A–326
6. Hackers Creek District
7. Lewis WV
8. 2.2 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–11003
2. 47–041–01500
3. 108
4. Allegheny Land & Mineral Co
5. A–318
6. Hackers Creek District
7. Lewis WV
8. 5.3 million cubic feet
9. June 26, 1979
10. Equitable Gas

1. 79–11004
2. 47–085–02766
3. 108
4. Allegheny Land & Mineral Co
5. A–222
6. Murphy Dist
7. Ritchie WV
8. 2.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11005
2. 47–097–01003
3. 108
4. Allegheny Land & Mineral Co
5. A–323
6. Washington Dist
7. Upshur WV
8. 5.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11006
2. 47–085–03144
3. 108
4. Allegheny Land & Mineral Co
5. A–322
6. Murphy Dist
7. Ritchie WV
8. 3.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11007
2. 47–033–01025
3. 108
4. Allegheny Land & Mineral Co
5. A–641
6. Eagle District
7. Harrison WV
8. 15.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11008
2. 47–041–02101
3. 108
4. Allegheny Land & Mineral Co
5. A–639
6. Hackers Creek District
7. Lewis WV
8. 4.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11009
2. 47–097–01090
3. 108
4. Allegheny Land & Mineral Co
5. A–345
6. Washington District
7. Upshur WV
8. 8.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11010
2. 47–013–02550
3. 108
4. Allegheny Land & Mineral Co
5. A–559
6. Washington District
7. Calhoun WV
8. 5.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11011
2. 47–021–02608
3. 108
4. Allegheny Land & Mineral Co
5. A–560
6. Center District
7. Gilmer WV
8. 11.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11012
2. 47–097–01334
3. 108
4. Allegheny Land & Mineral Co
5. A–413
6. Union District
7. Upshur WV
8. .7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11013
2. 47–097–01335
3. 108
4. Allegheny Land & Mineral Co
5. A–414
6. Union District
7. Upshur WV
8. .5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11014
2. 47–097–01337
3. 108
4. Allegheny Land & Mineral Co
5. A–417
6. Union District
7. Upshur WV
8. 1.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11015
2. 47–097–01336
3. 108
4. Allegheny Land & Mineral Co
5. A–415
6. Union District
7. Upshur WV
8. 1.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11016
2. 47–033–00946
3. 108
4. Allegheny Land & Mineral Co
5. A–582
6. Union District
7. Harrison WV
8. 7.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp

1. 79–11017
2. 47–041–02054
3. 108
4. Allegheny Land & Mineral Co
5. A–583
6. Freemans Creek
7. Lewis WV
8. 7.4 million cubic feet

9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11018
2. 47–067–00401
3. 108
4. Allegheny Land & Mineral Co
5. A–585
6. Homilton
7. Nicholas WV
8. 1.3 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11019
2. 47–017–01640
3. 108
4. Allegheny Land & Mineral Co
5. A–590
6. Southwest District
7. Doddridge WV
8. 8.1 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11020
2. 47–033–00912
3. 108
4. Allegheny Land & Mineral Co
5. A–533
6. Union District
7. Harrison WV
8. 21.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11021
2. 47–033–00983
3. 108
4. Allegheny Land & Mineral Co
5. A–607
6. Elk District
7. Harrison WV
8. 18.8 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11022
2. 47–021–01598
3. 108
4. Allegheny Land & Mineral Co
5. A–245
6. Glenville District
7. Gilmer WV
8. 1.1 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11023
2. 47–033–01933
3. 108
4. Allegheny Land & Mineral Co
5. A–704
6. Eagle District
7. Harrison WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11024
2. 47–001–00862
3. 103
4. Allegheny Land & Mineral Co
5. A–643
6. Pleasant Dist
7. Barbour WV
8. 27.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11025
2. 47–083–00224
3. 103
4. Allegheny Land & Mineral Co
5. A–739
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11026
2. 47–083–00228
3. 103
4. Allegheny Land & Mineral Co
5. A–741
6. Middle Fork District
7. Randolph WV
8. 41.4 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmissioin Corp
1. 79–11027
2. 47–083–00190
3. 103
4. Allegheny Land & Mineral Co
5. A–650
6. Roaring Creek District
7. Randolph WV
8. 56.8 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11028
2. 47–041–02105
3. 103
4. Allegheny Land & Mineral Co
5. A–660
6. Skin Creek District
7. Lewis WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11029
2. 47–083–00242
3. 103
4. Allegheny Land & Mineral Co
5. A–769
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11030
2. 47–097–01803
3. 103
4. Allegheny Land & Mineral Co
5. A–737
6. Union District
7. Upshur WV
8. .0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11031
2. 47–033–01209
3. 103
4. Allegheny Land & Mineral Co
5. A–735
6. Union District
7. Harrison WV
8. 61.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11032
2. 47–033–01208
3. 103
4. Allegheny Land & Mineral Co
5. A–734
6. Union Dist
7. Harrison WV
8. 37.4 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11033
2. 47–083–00222
3. 103
4. Allegheny Land & Mineral Co
5. A–716
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11034
2. 47–083–00223
3. 103
4. Allegheny Land & Mineral Co
5. A–717
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. June 26, 1979
10. Columbia Gas Transmission Corp
1. 79–11035
2. 47–041–01510
3. 108
4. Allegheny Land & Mineral Company
5. A–319
6. Hackers Creek District
7. Lewis WV
8. 12.8 million cubic feet
9. June 26, 1979
10. Equitable Gas
1. 79–11036
2. 47–041–01261
3. 108
4. Allegheny Land & Mineral Company
5. A–236
6. Court House District
7. Lewis WV
8. 7.9 million cubic feet
9. June 26, 1979
10. Equitable Gas
1. 79–11037
2. 47–097–01368
3. 108
4. Allegheny Land & Mineral Co
5. A–374
6. Union Dist
7. Upshur WV
8. 12.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11038
2. 47–041–01158
3. 108
4. Allegheny Land & Mineral Company
5. A–218
6. Courthouse District
7. Lewis WV
8. 4.9 million cubic feet
9. June 26, 1979
10. Equitable Gas
1. 79–11039
2. 47–033–00975
3. 108
4. Allegheny Land & Mineral Co
5. A–594
6. Union District
7. Harrison WV
8. 4.3 million cubic feet
9. June 26, 1979

10. Consolidated Gas Supply Corp
1. 79–11040
2. 47–017–01841
3. 108
4. Allegheny Land & Mineral Co
5. A–592
6. Southwest District
7. Doddridge WV
8. 8.1 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11041
2. 47–017–01822
3. 108
4. Allegheny Land & Mineral Co
5. A–591
6. Southwest District
7. Doddridge WV
8. 10.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11042
2. 47–033–00967
3. 108
4. Allegheny Land & Mineral Co
5. A–602
6. Eagle District
7. Harrison WV
8. 21.7 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11043
2. 47–045–00951
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #65–074861
6. Logan Wyoming
7. Logan WV
8. 6.6 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11044
2. 47–045–00946
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #63–065161
6. Logan Wyoming
7. Logan WV
8. 6.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11045
2. 47–045–00875
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #55–048880
6. Logan Wyoming
7. Logan WV
8. 10.0 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11046
2. 47–045–00773
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #54–031390
6. Logan Wyoming
7. Logan WV
8. 13.9 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11047
2. 47–045–00581
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #49–025440
6. Logan Wyoming
7. Logan WV
8. 5.5 million cubic feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11048
2. 47–045–00332
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #123—020180
6. Logan Wyoming
7. Logan WV
8. 10.1 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11049
2. 47–045–00262
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #106—018140
6. Logan Wyoming
7. Logan WV
8. 10.1 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11050
2. 47–109–00300
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #18—015700
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11051
2. 47–109–00315
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #82—016240
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11052
2. 47–109–00316
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #20—016250
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11053
2. 47–109–00317
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #21—016260
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11054
2. 47–109–00356
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #105—017610
6. Logan Wyoming
7. Wyoming WV
8. 5.5 Million Cubic Feet
9. June 26, 1979
10. Consolidated Gas Supply Corp
1. 79–11118
2. 47–083–00231
3. 103
4. Allegheny Land & Mineral Co
5. A–764
6. Middle Fork District
7. Randolph WV
8. 27.4 million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp
1. 79–11119
2. 47–097–01845
3. 103
4. Allegheny Land & Mineral Co
5. A–760
6. Washington District
7. Upshur WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11120
2. 47–033–01252
3. 103
4. Allegheny Land & Mineral Co
5. A–759
6. Sardis District
7. Harrison WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11121
2. 47–091–00167
3. 103
4. Allegheny Land & Mineral Co
5. A–757
6. Knottsville District
7. Taylor WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11122
2. 47–033–01146
3. 103
4. Allegheny Land & Mineral Co
5. A–694
6. Sardis District
7. Harrison WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11123
2. 47–103–00633
3. 103
4. Allegheny Land & Mineral Co
5. A–695
6. Grant District
7. Hetzel WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp
1. 79–11124
2. 47–033–01152
3. 103
4. Allegheny Land & Mineral Co
5. A–701
6. Eagle District
7. Harrison WV
8. 34.1 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11125
2. 47-083-00217
3. 103
4. Allegheny Land & Mineral Co
5. A-727
6. Middle Fork District
7. Randolph WV
8. 34.4 Million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp

1. 79-11126
2. 47-083-00239
3. 103
4. Allegheny Land & Mineral Co
5. A-768
6. Roaring Creek District
7. Randolph WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp

1. 79-11127
2. 47-083-00240
3. 103
4. Allegheny Land & Mineral Co
5. A-767
6. Roaring Creek District
7. Randolph WV
8. .0 Million Cubic Feet
9. June 27, 1979
10. Columbia Gas Transmission Corp

1. 79-11128
2. 47-097-01571
3. 108
4. Allegheny Land & Mineral Co
5. A-472
6. Washington District
7. Upshur WV
8. 21.4 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11129
2. 47-097-01704
3. 108
4. Allegheny Land & Mineral Co
5. A-614
6. Bank District
7. Upshur WV
8. 12.1 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11130
2. 47-033-00996
3. 108
4. Allegheny Land & Mineral Co
5. A-610
6. Elk District
7. Harrison WV
8. 7.9 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11131
2. 47-041-02075
3. 108
4. Allegheny Land & Mineral Co
5. A-595
6. Freemans Creek District
7. Lewis
8. 12.8 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11132
2. 47-033-00979
3. 108
4. Allegheny Land & Mineral Co
5. A-596
6. Grant District
7. Harrison WV
8. 7.9 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11133
2. 47-033-00972
3. 108
4. Allegheny Land & Mineral Co
5. A-597
6. Union District
7. Harrison WV
8. 13.7 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11134
2. 47-097-01676
3. 108
4. Allegheny Land & Mineral Co
5. A-599
6. Washington District
7. Upshur WV
8. 18.4 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11135
2. 47-041-01643
3. 108
4. Allegheny Land & Mineral Co
5. A-371
6. Freeman Creek District
7. Lewis WV
8. 9.1 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11136
2. 47-033-01018
3. 108
4. Allegheny Land & Mineral Co
5. A-629
6. Union District
7. Harrison WV
8. 11.0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11137
2. 47-041-02094
3. 108
4. Allegheny Land & Mineral Co
5. A-626
6. Skin Creek District
7. Lewis WV
8. 13.9 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11138
2. 47-097-01741
3. 108
4. Allegheny Land & Mineral Co
5. A-625
6. Union District
7. Upshur WV
8. 11.2 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

1. 79-11139
2. 47-033-01007
3. 108
4. Allegheny Land & Mineral Co
5. A-619
6. Union District
7. Harrison WV
8. 19.7 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79-11055
2. 17-712-40182-0000-0
3. 102
4. CNG Producing Company
5. B-1-S1
6. Ship Shoal
7. 271000
8. 2608.0 Million Cubic Feet
9. June 27, 1979
10. Consolidated Gas Supply Corp Texas Gas Transmission Corporation Columbia Gas Transmission Corp

1. 79-11056
2. 17-721-40151-0000-0
3. 102
4. Arco Oil and Gas Atlantic Richfield
5. OCS G-1608 Well No D-15
6. South Pass Block 61 Field
7. 600000
8. 310.0 Million Cubic Feet
9. June 27, 1979
10. Southern Natural Gas Company

1. 79-11057
2. 17-704-40417-0000-0
3. 102
4. Transco Exploration Company
5. A-14
6. East Cameron
7. 263000
8. 15000.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line

1. 79-11058
2. 17-704-40414-0000-0
3. 102
4. Transco Exploration Company
5. A-13
6. East Cameron
7. 263000
8. 15000.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line

1. 79-11059
2. 17-704-40402-0000-0
3. 102
4. Transco Exploration Company
5. A-5
6. East Cameron
7. 263000
8. 15000.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line

1. 79-11060
2. 17-719-40093-0000-0
3. 102
4. Exxon Corporation
5. OCS-G 1495 No X-13
6. West Delta
7. 420000
8. 400.0 Million Cubic Feet

9. June 27, 1979
10. Southern Natural Gas Co
1. 79–11061
2. 17–708–40201–0000–0
3. 102
4. Shell Oil Company
5. B–10
6. South Marsh Island
7. 130000
8. 260.0 Million Cubic Feet
9. June 27, 1979
10. Transcontinental Gas Pipe Line Corp
1. 79–11062
2. 17–719–40148–0000–0
3. 102
4. Exxon Corporation
5. OCS–G 1495 No. X–14
6. West Delta
7. 42000
8. 653.0 Million Cubic Feet
9. June 27, 1979
10. Southern Natural Gas Co.
1. 79–11063
2. 17–709–40086–01S1–0
3. 102
4. Gulf Oil Corporation
5. Eugene Island Block 238 No. F–5
6. Eugene Island
7. 238000
8. 12636.0 Million Cubic Feet
9. June 27, 1979
10. Sea Robin Pipeline Texas Eastern Transmission Corp.

U.S. Geological Survey, Albuquerque, N.Mex.

1. Control Number (F.E.R.C./State)
2. API Welll 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. 79–11098
2. 05–067–06112–0000–0
3. 103
4. Mesa Petroleum Co.
5. Ute Indian 8A MV
6. Ignacio
7. La Plata, CO.
8. 90.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11099
2. 05–067–06218–0000–0
3. 103
4. Mesa Petroleum Co.
5. Ute Indian 9A
6. Blanco
7. La Plata, CO.
8. 220.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11094
2. 30–045–07316–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lackey B 17
6. Basin-Dakota Gas
7. San Juan, NM
8. 14.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11095
2. 30–039–21390–0000–0
3. 103
4. Jerome P. McHugh
5. Chris No. 2
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 70.0 Million Cubic Feet
9. June 27, 1979
10. Northwest Pipeline Corporation

1. 79–11096
2. 30–039–21406–0000–0
3. 103
4. Jerome P. McHugh
5. Chris No. 1 A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 89.0 Million Cubic Feet
9. June 27, 1979
10. Northwest Pipeline Corporation

1. 79–11097
2. 30–039–21405–0000–0
3. 103
4. Jerome P. McHugh
5. Chris No. 2 A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 99.0 Million Cubic Feet
9. June 27, 1979
10. Northwest Pipeline Corporation

1. 79–11100
2. 30–045–20630–0000–0
3. 108
4. Jerome P. McHugh
5. Uxnard No. 1
6. South Blanco Pictured Cliffs
7. San Juan, NM
8. 8.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11101
2. 30–039–20197–0000–0
3. 108
4. Jerome P. McHugh
5. Nordhaus No. 8
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 19.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11102
2. 30–039–20121–0000–0
3. 108
4. Southland Royalty Co.
5. Cat Draw No. 1
6. Basin Dakota
7. Rio Arriba, NM
8. 3.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Co.

1. 79–11103
2. 30–045–13116–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 10
6. Basin Dakota
7. San Juan NM
8. 7.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.

1. 79–11104
2. 30–045–09963–0000–0
3. 108
4. Southland Royalty Co
5. Nye #11
6. Basin Dakota
7. San Juan NM
8. 11.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.

1. 79–11105
2. 30–045–097209–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 12
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 3.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.

1. 79–11106
2. 30–045–09638–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 6
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 4.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.

1. 79–11107
2. 30–045–09753–0000–0
3. 108
4. Southland Royalty Co.
5. Nye No. 5
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 6.0 Million Cubic Feet
9. June 27, 1979
10. Southern Union Gathering Co.

1. 79–11108
2. 30–025–24561–0013–0
3. 108
4. El Paso Natural Gas Company
5. Cooper Federal 1
6. Cooper-Morrow Gas
7. Lea, NM
8. 15.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11109
2. 30–045–10087–0000–0
3. 108
4. El Paso Natural Gas Company
5. Heaton Com A 13
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 20.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11110
2. 30–045–06492–0000–0
3. 108
4. El Paso Natural Gas Company
5. Rowley 6
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 8.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11111
2. 30–039–05874–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hall 4
6. Blanco South-Pictured Cliffs Gas

7. Rio Arriba, NM
8. 9.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11112
2. 30–039–20312–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP No. 162
6. Blanco South-Picured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11113
2. 30–045–08689–0000–0
3. 108
4. El Paso Natural Gas Company
5. Murphy A COM 1
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11114
2. 30–045–21566–0000–0
3. 108
4. El Paso Natural Gas Company
5. Pierce A 3
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 5.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11115
2. 30–045–07316–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lackey B 17
6. Basin-Dakota Gas
7. San Juan, NM
8. 14.0 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural Gas Company

1. 79–11116
2. 30–045–08088–0000–0
3. 108
4. El Paso Natural Gas Company
5. Roelofs E 5
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 16.8 Million Cubic Feet
9. June 27, 1979
10. El Paso Natural 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. 79–10944
2. 49–029–20707–0000–0
3. 103
4. Marathon Oil Company
5. Frisby A No. 18
6. Oregon Basin Field
7. Park WY
8. 250.0 Million Cubic Feet
9. June 22, 1979
10. Husky Oil Company, Big Horn Gypsum Co.

1. 79–10967
2. 49–007–20398–0000–0
3. 102
4. Gary Operating Company
5. Gary-Chambers-Federal No. 10–2
6. South Baggs
7. Carbon, WY
8. 120.0 Million Cubic Feet
9. June 26, 1979
10. Mountain Fuel Supply Co.

1. 79–10968
2. 49–007–20400–0000–0
3. 102
4. Gary Operating Company
5. Gary-Federal No. 10–4
6. South Baggs
7. Carbon, WY
8. 120.0 Million Cubic Feet
9. June 26, 1979
10. Mountain Fuel Supply Co.

1. 79–11117
2. 49–007–20401–0000–0
3. 102
4. Gary Operating Co.
5. Gary-Chambers Federal Nos. 2–4
6. South Baggs
7. Carbon, WY
8. 240.0 Million Cubic Feet
9. June 27, 1979
10. Mountain Fuel Supply Co.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission 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. 79-22292 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-7734]

Mid-Continent Area Power Pool Agreement; Granting Extension of Time

July 6, 1979.

On June 22, 1979, the MAPP Management Committee filed a motion for extension of time to file revised membership provisions as required by Commission order of June 5, 1979. The motion states, among other things, that in order to comply, the Participants to the MAPP Agreement must be given 60 days notice of amendments to the Agreement. On July 2, 1979, an objection to the extension was filed by the Alexandria Board of Public Works, *et al.*, stating, in part, that the amendments have previously been approved.

Upon consideration, notice is hereby given that an extension of time for complying with the Commission's order is granted to and including September 7, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22280 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-8]

Moselle Fuel Co.; Application for Adjustment

July 11, 1979.

Take note that on June 26, 1979, Moselle fuel Company filed with the Federal Energy Regulatory Commission an application for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA). The applicant is located at P.O. Box 9998, North Station, Jackson, Mississippi, 39206.

The applicant states that it purchases gas in the South Williamsburg Field, Covington County, Mississippi, from the American Natural Gas Production Company and the Callon Petroleum Company under an intrastate contract dated September 27, 1978. The applicant further states that the contract has a primary term of six months and continues until cancelled by either party on thirty-days notice. According to the applicant, American Natural and Callon notified the applicant on June 1, 1979 that the contract would be terminated on July 1, 1979.

The applicant states that it delivers to the South Mississippi Electric Power association the gas that the applicant purchases under the subject contract.

In its filing in this docket, the applicant seeks the right of first refusal under section 315 of the NGPA on any new intrastate contract which concerns natural gas covered by the existing contract between the applicant, and American Natural and Callon. In addition, the applicant seeks a stay that will prohibit the termination of the subject contract pending a decision on the application filed in this docket.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's

Rules of Practice and Procedure, Order No. 24, issued March 22, 1979.

Any person desiring to participate in this adjustment proceding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed no later than July 25, 1979 and should be sent to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22281 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CP71-163; and CP79-358]

Natural Gas Pipeline Co. of America; Application and Petition To Amend

July 12, 1979.

Take notice that on June 12, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP71-163 [1] a petition to amend the order issued May 7, 1971, as amended, in said docket pursuant to Section 7(c) of the Natural Gas Act authorizing utilization of an existing interconnection as a new redelivery point between Natural and Mobil Oil Corporation (Mobil), and concurrently, filed in Docket No. CP79-358 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain existing facilities used for the service authorized in Docket No. CP71-163, all as more fully set forth in the petition to amend and the application [2] which are on file with the Commission and open for public inspection.

Natural states that it entered into twenty-year gas exchange and purchase agreements, each dated November 25, 1970, with Union Texas Petroleum, a Division of Allied Chemical Corporation (Union Texas), whereby Union Texas would deliver gas from reserves in the ROC Field, Ward County, Texas, to Natural's existing gas gathering facilities in the ROC Field at or near the wellhead of Union Texas' gas wells. Natural agreed to purchase 50 percent of such gas and to exchange the remaining 50 percent which would be redelivered by Natural to Union Texas at a proposed point of interconnection at the existing pipeline facilities of the two companies in Jefferson County, Texas. Natural received authorization to exchange such gas and to construct and operate a tap and meter at the redelivery point in the Commission order issued on May 7, 1971, in Docket No. CP71-163. By order issued December 19, 1977, in Docket No. CI71-469 Mobil was designated as the successor to Union Texas in the transaction.

Natural indicates that on October 1, 1978, Natural and Mobil amended a November 25, 1970, gas exchange agreement to provide for a new delivery point for redelivery of gas by Natural to Mobil.

Since the ownership of the existing delivery point has been changed by Mobil's succession to Union Texas, a change in delivery point to an existing point of interconnection between Natural and Mobil located in Liberty County, Texas, would be beneficial to the operating efficiency of both parties.

Natural requests the Commission to delete the Jefferson County, Texas, delivery point from the existing authorization and proposes to abandon by removal the facilities constructed for the delivery of exchange gas in Jefferson County, Texas including approximately 485 feet of 6-inch pipeline, 80 feet of 4-inch pipeline, and a 4-inch measuring facility. Natural proposes to retain the meter facilities in stock and all other facilities would be sold as scrap, it is stated.

Any person desiring to be heard or to make any protest with reference to said application and petition to amend should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Natural to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22282 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-497]

Niagara Mohawk Power Corp.; Filing

July 12, 1979.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on July 9, 1979 tendered for filing as a rate schedule, an agreement between Niagara and Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (hereinafter collectively called GPU) dated July 1, 1979.

Niagara states that under the terms of the agreement, Niagara agrees to purchase, for resale to GPU, Short Term Power and Associated Energy from the Ontario Hydro Electric Commission (Ontario Hydro). Niagara also agrees to wheel this power and energy from Niagara's interconnection with Ontario Hydro to Niagara's interconnection with GPU.

Niagara requests waiver of the Commission's notice requirements in order to allow said agreement to become effective as of July 9, 1979.

According to Niagara copies of this filing were served upon GPU and the Public Service Commission State of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

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[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.

[2] The petition to amend and abandonment application are incorporated in the same instrument.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for Public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22283 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-52]

Pennsylvania Power & Light Co.; Application

July 12, 1979.

Take notice that on July 31, 1979, Pennsylvania Power & Light Company (Applicant), Two North Ninth Street, Allentown, Pennsylvania 18101, filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authority to issue up to $200 million of short-term unsecured Promissory Notes including commercial paper notes. Applicant is a Pennsylvania corporation principally engaged in the production, purchase, transmission, distribution and sale of electricity in a service area of approximately 10,000 square miles in 29 counties of central eastern Pennsylvania with an estimated population of about 2.4 million persons.

The proceeds from the issuance of the Notes will be used principally as interim financing of Applicant's construction program, which will require approximately $1.545 billion over the 1979–1981 period.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[Docket Nos. G-10020; CI71-722]

Phillips Petroleum Co. (Operator), et al.; Order Approving Settlement

July 10, 1979

On October 9, 1974, Phillips Petroleum Company (Phillips) filed an application with the FPC pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its sale of natural gas from the Erath Field Unit (Erath gas) in Louisiana to Columbia Gas Transmission Corporation (Columbia).[1] Phillips claimed that Phillips' contract with Columbia had expired and that Phillips' Erath gas was now committed to Trunkline Gas Company (Trunkline) under a certificate and a contract on file as Phillips' rate schedule. Phillips explained that subsequent to its entering into a contract with Columbia it contracted to sell to Trunkline surplus Erath gas, defined as those volumes of gas in excess of the volumes necessary to maintain contractual deliveries to Columbia. Since the 20-year term of the Phillips-Columbia contract had expired, Phillips requested permission to abandon sales to Columbia in favor of sales to Trunkline.

Columbia opposed the application of Phillips, and the application was set for hearing by order issued April 29, 1976. The order consolidated for hearing the application of Phillips with a similar application to abandon an Erath Field Unit gas sale to Columbia filed by Getty Oil Company (Getty) in Docket Nos. G–2801 and CI72–50.

At the hearing two separate settlement agreements were tendered for certification to the FPC—one by Getty in Docket Nos. G–2801 and CI72–50 and the other by Phillips in Docket Nos. G–10020 and CI71–722. Thus, despite the consolidation of proceedings, the Getty and Phillips settlements were independent.[2]

By orders issued April 13, June 10, and August 3, 1977, in the consolidated proceeding the FPC approved the Getty settlement, rejected the Phillips settlement and remanded the proceeding to the Presiding Administrative Law Judge for such further hearings as he deemed necessary. At a further hearing session held August 19, 1977, Phillips tendered for certification to the FPC a revised settlement proposal. All parties present at the hearing, including the FPC Staff, concurred in the settlement. The Presiding Administrative Law Judge certified the offer of settlement to the FPC on August 23, 1977, and that certification was noticed on September 2, 1977. No comments have been received with respect to this settlement.

The revised Phillips settlement derives from the following historical context.

By order issued August 10, 1956, in Docket No. G–10020, Phillips was authorized to sell gas to United Fuel Gas Company (the predecessor in interest of Columbia). This sale was from the Erath Field Unit in Vermillion Parish, Louisiana, and was pursuant to an agreement between the parties which provided for Phillips' sale of all of its interest in Erath gas production (about 24% of total production) up to a maximum production of 100,000 Mcf per day. The agreement contained a reservation allowing Phillips to sell to other buyers those volumes in excess of the production over 100,000 Mcf/d.

On March 15, 1971, Phillips entered into an agreement with Trunkline for the sale of Phillips' interests in the gas produced from the Erath Field Unit subject to the reservation of volumes dedicated to Columbia. The FPC authorized this sale by order issued December 31, 1971, in Docket No. CI71–722. The Phillips-Trunkline contract clearly contemplated the continued purchase by Columbia of Phillips' interests in the first 100,000 Mcf/d production from the Erath Field Unit while Trunkline would purchase the excess over 100,000 Mcf. This was at a time when production from the Erath Field Unit was substantially greater than Phillips' 100,000 Mcf/d sales commitment to Columbia.

The Phillips-Trunkline contract provided that Trunkline would receive the first 15 million Mcf of gas free of any obligation to exchange and redeliver Erath gas to Phillips. After delivery of the first 15 million Mcf, Trunkline was obligated under the contract to receive and purchase 20% of the total quantity delivered and to receive, exchange, and redeliver 80% of the total quantity delivered by Phillips to Phillips for use in Phillips' refinery, chemical plants and other operations in the Gulf Coast area.

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Commission.

[2] In addition, a settlement agreement proposing a certain interim disposition of Phillips' Erath gas (Interim Settlement) was certified to the FPC. The Interim Settlement was approved for the limited period of December 29, 1976, to April 13, 1977, and is no longer at issue in this case. See the FPC's orders in this proceeding issued December 29, 1976, and August 3, 1977.

The twenty-year Phillips-Columbia contract expired by its own terms on November 1, 1974. Pending disposition of the application Phillips has continued its sales to Columbia pursuant to a new contract dated October 12, 1974. In April 1975, production in the Erath Field Unit fell below 100,000 Mcf/d. Since that time no deliveries have been made to Trunkline under the Phillips-Trunkline contract. Indeed, as of June 1977, the average daily production from the Erath Field Unit has declined to approximately 14,000 Mcf at 15.025 psia, of which approximately 3,440 Mcf per day are attributable to Phillips' interest.[3]

In relevant portion the Phillips revised settlement provides as follows:

1. On and after the date of an order approving this settlement proposal the daily volumes of gas production from the Erath Field Unit attributable to the total working interest of Phillips shall be apportioned as follows:

(a) Fifty percent (50%) of such volumes shall be delivered to Columbia free and clear of claims of others; and

(b) Fifty percent (50%) of such volumes delivered to Trunkline free and clear of claims of others.

2. From and after August 19, 1977, and extending until the date of an order approving this settlement proposal, Columbia agrees to "bank" for the benefit of Trunkline gas volumes equal to 50% of Phillips' average daily working interest production from the Erath Field Unit. After issuance of an order approving this settlement proposal, volumes banked in favor of Trunkline shall be delivered to Trunkline in the following manner. During the makeup period, Phillips may deliver up to 75% of its Erath Field Unit working interest volumes to Trunkline until such time as a balance has been achieved between the delivery entitlements of Trunkline and Columbia; provided, however, the makeup period shall not include the period between November 1 of any year and March 31 of the succeeding year.

3. Phillips agrees to waive any and all rights under the March 15, 1971 Phillips-Trunkline "Gas Purchase and exchange Agreement" to exchange and redelivery of any gas volumes for company use.

4. Without prejudice to the rates which Phillips may be entitled to collect in the future, Phillips shall initially be entitled to file for and collect a rate of 53¢ per Mcf plus 1¢ per annum escalations pursuant to Section 2.56(a)(5) of the Commission's Regulations plus applicable adjustments as to 80% of the volume delivered to Trunkline pursuant to the renewal contract between Phillips and Trunkline dated as of April 29, 1977. Phillips shall sell the remaining 20% of the volume delivered to Trunkline at the 29.5¢ per Mcf rate established in Opinion No. 749 plus applicable adjustments as required in Article V(3)(a) of the March 15, 1971 Phillips-Trunkline Gas Purchase and Exchange Agreement. No new rate filings or rate changes will be necessary for the continuation of Phillips' sale to Columbia pursuant to the October 12, 1974 Phillips-Columbia interim sales agreement.

The revised Phillips settlement, which is similar to the previously accepted Getty settlement, differs from Phillips' original settlement in two significant respects. First, this Phillips settlement is unanimous. Second, under this settlement Phillips would waive all rights to seek exchange and redelivery of Erath gas volumes reserves for company use. Instead, the volumes attributable to the working interest of Phillips in the Erath Field Unit would be apportioned 50% each to Columbia and Trunkline.

Production from the Erath Unit has been declining. Total production fell below 100,000 Mcf/d in April 1975 at which point deliveries to Trunkline ceased. Moreover, Phillips' interest in production dropped to an average of 2,353 Mcf/d during 1977. At that time Trunkline was curtailing deliveries to higher priority customers than Columbia. Trunkline's current situation has not improved, and, as of March 1979, Trunkline was curtailing 220,000 Mcf/d. Columbia, however, has filed for elimination of its curtailment plan.

We think Phillips' revised settlement is in the public interest and should be approved.

The Commission orders:

(A) The revised Phillips settlement as more fully set forth hereinbefore and on the record in this proceeding, is approved.

(B) The certificates issued to Phillips in Docket Nos. G–10020 and CI71–722 are amended consistent with the terms of the settlement approved herein.

(C) The proceedings in Docket Nos. G–10020 and CI71–722 are terminated.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79–22285 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[3] This information is taken from Tr. 37 and monthly production reports of Texaco Inc. (operator of the Erath Field Unit) to the Louisiana Conservation Commission.

[Docket No. RI79–37]

Ralph L. Leaderbrand; Petition for Special Relief

July 10, 1979.

Take notice that on April 20, 1979, Ralph L. Leaderbrand, P.O. Box 1625, Shreveport, Louisiana 71165 filed a petition for special relief in Docket No. RI79–37 pursuant to Section 2.76 of the Commission's General Policy and Interpretations.

Leaderbrand requests a rate of $1.75 per Mcf for the sale of natural gas produced from certain lands and leaseholds located in Sibley Field, Webster Parish, Louisiana. United Gas Pipe Line is the purchaser. According to the petition, the rate increase is necessary to finance the replacement of an old compression unit.

Any person desiring to be heard or to make any protest with reference to said petition should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1979. 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 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. 79–22286 Filed 7–18–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP79–154]

Texas Eastern Transmission Corp.; Petition To Amend

July 10, 1979.

Take notice that on June 25, 1979, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79–154 a petition to amend the order of March 22, 1979 issued in said docket pursuant to Section 7(c) of the Natural Gas Act for authorization to increase the quantity of natural gas authorized to be transported for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the petition to amend which

is on file with the Commission and open to public inspection.

Petitioner requests the maximum daily transportation quantity to be increased from 700 dekatherms to 750 dekatherms equivalent of natural gas or such excess of 750 dekatherms that Petitioner is able to transport without impairing the ability of Petitioner to meet its other obligations. Petitioner indicates that the granting of this petition would increase the volume of supply to Transco's customers without requiring it to build additional facilities.

Any person desiring to be heard or to make any protest with reference to said petition should, on or before July 31, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22289 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-371]

Texas Gas Transmission Corp.; Application

July 11, 1979.

Take notice that on June 18, 1979, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP79-371 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and the modification of an existing compressor in Morgan City, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate 1.35 miles of 8-inch pipeline located between the Lake Palourde 12-inch and 16-inch pipelines' terminus and the Morgan City Compressor Station in Assumption Parish. Applicant also requests authorization to modify the existing 112 horsepower compressor at Morgan City so as to convert such compressor from a flare gas compressor to a mainline compressor. Applicant estimates the total cost of constructing and modifying the proposed facilities to be $347,700, which cost Applicant would finance from funds on hand.

Applicant states that the requested authorization would allow it to remedy a class location problem on its Eunice-Thibodaux 20-inch pipeline which extends from Milepost 110.92 through Milepost 111.79. Such section of line, Applicant indicates, is considered to be a class 3 location [1] which means that the section must be operated by it at a maximum allowable operating pressure (MAOP) of 811 psig rather than at an MAOP of 1,168 psig, which was formerly the case when such section was considered to be a class 1 location. Applicant states the pressure limitation not only affects the aforementioned section of pipeline where the class location problem exists, but requires it to limit the pressure to 811 psig under the current mode of operations on all of its system east of the Lafayette Compressor Station.

Applicant states that the construction of the proposed pipeline along with the modification of the existing compressor at Morgan City will allow Applicant, in effect, to isolate and thus operate that portion of its system east of where the class location problem exists at 811 psig. Under the proposal herein, that portion of Applicant's main trunk system west of MP 110.92 can continue to be operated at its current MAOP, Applicant submits.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Natural Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure therein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22288 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[1] 49 CFR 192.611.

[Docket No. CP79-368]

Transcontinental Gas Pipe Line Corp.; Application

July 11, 1979.

Take notice that on June 18, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-368 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 3,500 dekatherms (dt) equivalent of natural gas per day on an interruptible basis for South Jersey Gas Company (South Jersey), one of Applicant's resale customers served under Rate Schedule CD-3, pursuant to Rate Schedule T, all as more fully set forth in the application of file with the Commission and open to public inspection.

Applicant states that South Jersey has purchased from Distrigas of Massachusetts Corporation (DOMAC) 1,740,000 dt equivalent of liquefied natural gas (LNG) per year and that South Jersey would arrange to have the natural gas equivalent of up to 3,500 dt of such LNG per day delivered to

Algonquin Gas Transmission Company (Algonquin), which would concurrently reduce its take of gas from Texas Eastern Transmission Corporation (Texas Eastern) by an equal amount. Texas Eastern would deliver the gas to Transco at existing interconnections between Applicant and Texas Eastern near Lambertville and Linden, New Jersey, it is said. Applicant proposes to transport and redeliver such quantities of gas to South Jersey at existing points of delivery to that customer.

Applicant states that it would charge South Jersey, under Rate Schedule T, an initial rate of 7.0 cents per dt for all quantities delivered hereunder and would retain, initially, 0.6 percent of the quantities received for transportation as make-up for compressor fuel and line loss.

It is asserted that South Jersey is experiencing substantial curtailment in deliveries of contract demand volumes from Applicant due to shortage of flowing gas supplies on Applicant's system and that the additional gas to be made available by DOMAC, which would reach this distributor with the assistance of Algonquin and Texas Eastern and by means of the proposed transportation service by Applicant, would help offset these curtailments under Applicant's Rate Schedule CD-3.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22290 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-326]

Transwestern Pipeline Co. and Cities Service Gas Co.; Application

July 11, 1979.

Take notice that on May 25, 1979, Transwestern Pipeline Company (Transwestern), P.O. Box 2521, Houston, Texas 77001, and Cities Service Gas Company (Cities), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP79-326 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 75,000 dekatherms equivalent of natural gas per day pursuant to an agreement, dated May 15, 1979, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that the gas would be sold by ONG Western, Inc. (ONG) to Transwestern pursuant to Section 311(b) of the Natural Gas Policy Act of 1978. The gas would be delivered to Cities through use of the interconnection between ONG's pipeline affiliate Oklahoma Natural Gas Company (Oklahoma Natural) and Cities in Woodward County, Oklahoma, and Cities would concurrently reduce the volumes received from Transwestern by an equivalent quantity at the existing delivery point between Cities and Transwestern in Hemphill County, Texas.

Applicants assert that the proposed exchange would avoid costly and time consuming duplication of pipeline facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22287 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-495]

Western Massachusetts Electric Co.; Purchase Agreement

July 12, 1979.

The filing Company submits the following:

Take notice that on July 9, 1979, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated May 1, 1979 between WMECO and Lyndonville Electric Department (Lyndonville).

WMECO states that the Purchase Agreement provides for a sale to Lyndonville of a specified percentage of capacity and energy from three gas turbine generating units during the summer period from May 1, 1979 to October 31, 1979.

WMECO requests the Commission, pursuant to Section 35.11 of its

regulations, waive the customary notice period and permit the rate schedule filed to become effective on May 1, 1979 in order for Lyndonville to meet its Capability Responsibility as a result of changes to their generation mix.

WMECO states that the capacity charge for the proposed service is a negotiated rate, and the variable and additional maintenance charges were derived from historical costs.

WMECO states that copies of this rate schedule have been mailed or delivered to WMECO, West Springfield, Massachusetts and Lyndonville, Vermont.

WMECO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for Public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22291 Filed 7-18-79; 8:45 am]

BILLING CODE 6450-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Records and Reports, Employer Information Report EEO-1; Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1979 Employer Information Report EEO-1 required by 29 CFR 1602.7 is extended from March 31, 1979 to October 31, 1979. The payroll period for the EEO-1 report remains unchanged.

Signed at Washington, D.C. this 13th day of July 1979 for the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 10, 1979.

A. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

LIBERTY NATIONAL CORPORATION, Oklahoma City, Oklahoma (mortgage banking activities; Oklahoma): to engage, through its subsidiary Liberty Mortgage Company, in the origination of conventional, FHA and VA mortgage loans. These activites would be conducted from offices in Edmund and Sand Springs, Oklahoma, serving respectively, Oklahoma and Logan Counties and Tulsa and Osage Counties, all in Oklahoma.

Board of Governors of the Federal Reserve System, August 10, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22248 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 13, 1979.

A. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

SECURITY PACIFIC CORPORATION, Los Angeles, California (financing, servicing, and leasing activities; California): to engage through its subsidiary, Pacific Leasing Corporation, in the making or acquiring, for its own account or for the account of others, loans and other extensions of credit, the financing of personal property and

equipment and real property, and the leasing of such property or the acting as agent, broker, or advisor in the leasing and/or financing of such property, where at the inception of the initial lease the effect of the transaction (and, with respect to Governmental entities only, reasonable anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, and the servicing of such loans, other extensions of credit, financings and/or leases, as is authorized by the Federal Reserve Board under Regulation Y and the Bank Holding Company Act. Such activities would be conducted from offices located in San Francisco, California, serving the State of California.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, July 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22249 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Basalt Bancorp, Inc.; Formation of Bank Holding Company

Basalt Bancorp, Inc., Basalt, Colorado, has applied for the board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Basalt, Basalt, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22251 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Enders Co.; Formation of Bank Holding Company

Enders Company, Enders, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of First State Bank, Enders, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22252 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Guaranty Bancshares, Inc.; Formation of Bank Holding Company

Guaranty Bancshares, Inc., Mt. Pleasant, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C section 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of Guaranty Bond State Bank, Mt. Pleasant, Texas, and 80 per cent or more of the voting shares (less directors' qualifying shares) of The Talco State Bank, Talco, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22253 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Linden Bancshares, Inc.; Formation of Bank Holding Company

Linden Bancshares, Inc., Linden, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of the First National Bank of Linden, Linden, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 22254 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

North Community Bancorp, Inc.; Formation of Bank Holding Company

North Community Bancorp, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 94.6 per cent or more of the voting shares of North Community State Bank, Chicago,

Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 12, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22255 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

Pacesetter Financial Corp.; Acquisition of Bank

Pacesetter Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Pacesetter Bank-Lansing, N.A., Lansing, Michigan, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-22256 Filed 7-18-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Regional Public Advisory Panel on Architectural and Engineering Services; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1; August 6-10, 1979, from 9:00 a.m. to 4:00 p.m. each day, room 606, J. W. McCormack Post Office & Courthouse, Post Office Square, Boston, Massachusetts 02109.

The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications for selection to furnish professional services for the following five (5) projects:

a. "Conversion & Modernization" Federal Building, U.S. Courthouse (formerly U.S. Post Office & Courthouse) New Haven, CT

b. "Special Studies and Surveys" Selected Projects within Region 1 (New England States)

c. "One Year Term Supplemental A/E Open End Fixed Price Contract" Vermont, New Hampshire and Maine

d. "One Year Term Supplemental A/E Open End Fixed Price Contract" Connecticut, Rhode Island, and Massachusetts (excluding Metropolitan Boston area—within Rte. 495)

e. "One Year Term Supplemental A/E Open End Fixed Price Contract" Metropolitan Boston area (within Rte. 495)

The meeting will be open to the public.

Dated: July 11, 1979

Alan E. Gorham,

Acting Regional Administrator.

[FR Doc. 79-22358 Filed 7-18-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6647-A and AA-6647-B]

Alaska Native Claims Selections

Correction

In FR Doc. 79-20044, appearing at page 37694 in the issue of Thursday, June 28, 1979, the following changes should be made:

1. On page 37694, second column, the second line of the first land description should read, "Secs. 13, 24 and 25 (fractional), all" and the eleventh line of the fifth land description should read, "Secs. 19 and 20, all;".

2. On page 37695, first column, the last word in the fifth and seventh lines of the third land description should read, "Akutan" and "Akun" respectively.

BILLING CODE 1505-01-M

[ES 20154, Survey Group 75]

Michigan; Filing of Plats of Survey

July 1, 1979.

On September 22, 1978, two plats of dependent resurvey and survey of omitted lands in T. 18 N., R. 17 W., and T. 18 N., R. 18 W., Michigan Meridian, Michigan were accepted. They will be officially filed in the Eastern States Office, Alexandria Virginia as of 10:00 a.m. on August 20, 1979.

Both plats represent: retracements of the original section boundaries; reestablishment of the meander lines of Pere Marquette Lake as shown in the original plats of survey for the subject townships; and extensions of survey to include lands erroneously omitted from the original surveys.

The acreages and lottings listed below describe the lands omitted from the original surveys. They encompass the areas between the reestablished original meander lines, which are now recognized as fixed boundary lines, of what was identified on the original plats of survey as Pere Marquette Lake. The newly surveyed lottings and acreages are:

Michigan Meridian, Michigan

T. 18 N., R. 17 W.,
- Sec. 24: lot 8 (5.47 acres), lot 9 (15.57 acres), lot 10 (7.13 acres), lot 11 (31.50 acres), lot 12 (12.80 acres), lot 13 (32.02 acres), lot 14 (40.12 acres), lot 15 (20.10 acres);
- Sec. 25: lot 4 (20.11 acres), lot 5 (39.55 acres), lot 6 (11.07 acres);
- Sec. 26: lot 6 (33.63 acres), lot 7 (33.41 acres), lot 8 (35.30 acres), lot 9 (10.59 acres), lot 10 (36.95 acres), lot 11 (27.16 acres), lot 12 (21.73 acres), lot 13 (38.48 acres), lot 14 (16.82 acres);
- Sec. 27: lot 5 (14.56 acres), lot 6 (14.07 acres), lot 7 (9.33 acres);
- Sec. 28: lot 4 (7.03 acres), lot 5 (8.65 acres), lot 6 (11.49 acres);
- Sec. 29: lot 4 (8.04 acres), lot 5 (33.42 acres);
- Sec. 30: lot 8 (27.60 acres), lot 9 (24.80 acres), lot 10 (26.36 acres), lot 11 (12.00 acres), lot 12 (38.19 acres), lot 13 (38.45 acres), lot 14 (40.53 acres), lot 15 (31.31 acres), lot 16 (17.09 acres), lot 17 (31.74 acres);
- Sec. 31: lot 2 (0.31 of an acre);
- Sec. 32: lot 5 (34.13 acres), lot 6 (28.75 acres), lot 7 (29.26 acres), lot 8 (13.56 acres);
- Sec. 33: lot 4 (39.61 acres), lot 5 (39.00 acres), lot 6 (49.13 acres), lot 7 (41.14 acres), lot 8 (23.45 acres), lot 9 (42.82 acres);
- Sec. 34: lot 5 (40.42 acres), lot 6 (40.59 acres), lot 7 (40.78 acres), lot 8 (41.02

acres), lot 9 (40.62 acres), lot 10 (40.38 acres), lot 11 (40.19 acres), lot 12 (40.03 acres), lot 13 (17.92 acres), lot 14 (26.40 acres), lot 15 (26.08 acres), lot 16 (20.20 acres);
Sec. 35: lot 4 (25.20 acres), lot 5 (38.84 acres), lot 6 (37.45 acres).
T. 18 N., R. 18 W.,
Sec. 24: lot 4 (12.24 acres), lot 5 (7.50 acres);
Sec. 25: lot 4 (15.78 acres), lot 5 (37.72 acres), lot 6 (26.74 acres), lot 7 (21.66 acres), lot 8 (6.59 acres), lot 9 (12.63 acres), lot 10 (35.26 acres), lot 11 (26.00 acres).

The areas described aggregate 1,943.57 acres, more or less.

The land described by the survey of T. 18 N., R. 17 W., is nearly level to gently rolling. Within the reestablished original meander lines, the land was mostly flat bottom land which was overflowed with water at the time of survey. Upland soils are generally sandy clay or sandy loam; whereas the soil of the omitted lands is characterized by fine sandy peat. Upland timber consists of elm, maple, ash and pine. Timber in the omitted lands is comprised of ash, basswood, elm, cedar, maple and tamarack, and other vegetation there consists of marsh grasses, bramble and brush. Much of the timber is dead, many of the trees having been uprooted by periodic high water conditions.

In T. 18 N., R. 18 W., the land described by the survey is also nearly level to gently rolling. Again, much of the land lying within the original meander lines is overflowed bottom land, that is, it consists of numerous marshes interspersed with bayous and channels. The upland soils are generally composed of sandy loam and sandy clay except in the land fill areas where the fill is mostly waste materials. The soil of the omitted lands is characterized by sandy peat. The small amount of upland timber consists of maple, ash, elm and oak; the timber in the omitted lands consists of ash, basswood, maple, elm, numerous snags and wind-fallen trees.

The following lands have been determined to be more than 50 percent swamp in character within the purview of the Swamplands Act of September 28, 1850. Therefore, title to these lands inured to the State of Michigan as of that date, and the lots are open only to selection by the State under that Act:

Michigan Meridian, Michigan

T. 18 N., R. 17 W.,
Sec. 23: lot 2;
Sec. 24: lots 8 through 15;
Sec. 25: lots 4 through 6;
Sec. 26: lots 6 through 14;
Sec. 27: lots 5 through 7;
Sec. 28: lots 4 through 6;
Sec. 29: lots 4 and 5;
Sec. 30: lots 8, 9, 11 through 15, 17;
Sec. 31: lot 2;
Sec. 32: lots 5 through 7;
Sec. 33: lots 4 through 9;
Sec. 34: lots 5 through 16;
Sec. 35: lots 4 through 6.
T. 18 N., R. 18 W.,
Sec. 24: lots 4 and 5;
Sec. 25: lots 4 through 11.

Lots 10 and 16, Sec. 30, and Lot 8, Sec. 32, T. 18 N., R. 17 W., were determined to be over 50 percent upland in character within the meaning of the Swamplands Act of September 28, 1850. They are, therefore, held to be public land. Except for valid existing rights, this land will not be subject to application, petition, location, selection or any other type of appropriation under any public law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to the filing of these plats should be sent to the Director, Eastern States, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22314, prior to August 10, 1979.

Lowell J. Udy,

Director, Eastern States.

[FR Doc. 79-22365 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada BLM Announces O & G Intensive Wilderness Inventory in Las Vegas District

The Las Vegas District Office, Bureau of Land Management has completed an intensive inventory of wilderness characteristics of some 2.1 million acres under its jurisdiction in Clark and Lincoln Counties, Nevada. The objective of the special inventory is to expedite decisions on oil and gas lease applications now on file for these lands in the Nevada State Office of the BLM.

The "Overthrust Belt Special Inventory" covered 46 of the Las Vegas District (NV-050) inventory units described in the wilderness document issued May 1, 1979 by the Nevada BLM State Office entitled "Draft Initial Inventory, Public Lands Administered by BLM Nevada." Specifically, the units inventoried are: 0161, 0220, 0221, 0222, 0223, 0224, 0225, 0226, 0230, 0231, 0232, 0233, 0235, 0236, 0238, 0411, 0422, 0423, 0425, 0428, and 04R-15; also 0118, 0121, 0122, 0123, 0124, 0125, 0156, 0157, 0162, 0163, and 0164; also 0136, 0137, 0139, 0143, 0144, 0145, 0155, 0159, 0166, 0412, 0414, 0438, 0440, 0441, and 0447.

A certain number of these units are being recommended for Wilderness Study Area status. These recommendations are being submitted to the public for comment until October 23. A document describing the recommended action on each inventory unit, along with a map, is being distributed to interested persons. Copies may be obtained from BLM, P.O. Box 5400, Las Vegas, NV 89102, or from BLM, 300 Booth St., Room 3008, Reno, NV 89509.

The Las Vegas district will conduct informational openhouses in Las Vegas, Moapa, and Caliente, Nevada during the week of July 29. Field trips to selected inventory units are planned for August 11, 18 and 25. A public forum to obtain comments on the proposals will be conducted in mid-October. Dates, times and locations of these events are being arranged at this writing. Details can be obtained from the BLM's Las Vegas District Office (702) 385-6403. Attendance at the field trips may necessarily be limited and persons on the trips will be expected to provide their own transportation, food, etc.

Writfen comments may be submitted at any time during the comment period. In addition, members of the public are encouraged to call or visit the district office to obtain additional information or to discuss the proposals.

Dated: July 9, 1979.

John S. Boyle,

Acting State Director, Nevada.

[FR Doc. 79-22362 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada BLM Announces Second IPP Intensive Wilderness Inventory in Las Vegas District

The Las Vegas District, Bureau of Land Management, has completed a second intensive wilderness inventory, covering some 100,000 public land acres, related to the Intermountain Power Project (IPP). A 30-day comment period is now underway on the findings of that inventory.

This IPP Special Inventory was accomplished to resolve a problem presented by the designation of the Delamar Wilderness Study Area (NV-050-0177). In the original IPP review, only land on the east side of the existing power line was inventoried. With the designation of the Delamar WSA, the only remaining option in that area was through land which had yet to be inventoried. This special inventory addresses that option.

Units inventoried in this action are five of those described in the wilderness document issued May 1, 1979 by the Nevada BLM State Office entitled "Draft Initial Inventory, Public Lands Administered by BLM Nevada." They are: 0155, 0201, 0216, 0217, and 01R-16 (shown on the map as part of 0156, but actually a separate unit consisting of

that part of 0156 on the west side of Highway 93.)

All or part of one or more of these units may be recommended for wilderness study area status. These recommendations are being submitted to the public for comment until August 24. A document describing the recommended action on each unit, along with a map, is being distributed to interested persons. Copies may be obtained from BLM, P.O. Box 5400, Las Vegas, NV 89102, or from BLM, 300 Booth St., Room 3008, Reno, NV 89509.

An open house to discuss the recommendations and to receive comment on them will be conducted in the Las Vegas District Office Conference Room on August 15, 1979, from 1 to 4 p.m. and from 7 to 9 p.m. Written comments may be submitted at any time during the comment period. In addition, members of the public are encouraged to call or visit the district office to obtain additional information or to discuss the proposals.

John S. Boyle,

Acting State Director, Nevada.

[FR Doc. 79-22361 Filed 7-18-79 8:45 am]

BILLING CODE 4310-84-M

Oregon, Ironside Grazing Management Plan, Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will be preparing an Environmental Impact Statement (EIS) in connection with determining range resource use and management on 980,000 acres of public land in portions of the Baker and Vale Districts in east-central Oregon. The final statement is to be completed by September 30, 1980.

The proposed grazing management program has evolved from coordinated land use allocations for all resources developed through the Bureau's land use planning system. The objectives of the proposed program are to enhance the vegetative resource, improve range conditions, provide quality habitat for wildlife and wild horses, provide a continuous supply of livestock forage, reduce soil erosion and sedimentation damage, improve water quality, improve the recreation and visual resources, and protect archeological and historical sites.

The EIS will discuss alternatives to the proposed grazing management program. Some of the expected alternatives include no action, no livestock grazing, and a lower level of grazing than the proposal. Other alternatives which could be considered include a higher level of grazing than the proposal and adjustment to present capacity without new range improvements.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used to assist in making final decisions for managing livestock grazing in the Ironside EIS area.

Public scoping meetings will be held concentrating on identifying the significant issues which must be discussed in detail in the EIS. Also to be discussed in the meetings are the various alternatives that could realistically be addressed in the EIS. Public expression in those areas of concern will be sought.

The two scheduled public meetings are as follows:

Baker Community Center, 2600 Grove Street, Baker, Oregon, 7:30 p.m., August 15, 1979.

Treasure Valley Community College, Room W-10, Weese Building, Ontario, Oregon, 8:00 p.m., August 16, 1979.

Further information may be obtained from the following individuals:

Gordon R. Staker, District Manager, Bureau of Land Management, P.O. Box 987, Baker, Oregon 97814, Telephone: (503) 523-6391.

Fearl M. Parker, District Manager, Bureau of Land Management, P.O. Box 700, Vale, Oregon 97918, Telephone: (503) 473-3144.

Roland D. Smith, EIS Team Manager, Bureau of Land Management (911.1), P.O. Box 2905, Portland, Oregon 97208, Telephone: (503) 231-6950.

Dated: July 13, 1979.

Murl Storms,

State Director.

[FR Doc. 79-22363 Filed 7-18-79; 8:45 am]

BILLING CODE 4310-84-M

[I-14558]

Realty Action; Public Lands in Cassia County, Idaho

The following described lands have been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the appraised fair market value shown:

Legal Description: Boise Meridian, Idaho; Acreage: 11.25; Value: $2800.00.

T. 16 S., R. 25 E.,
Sec. 11, S½SE¼SE¼NE¼NE¼;
Sec. 12, S½SW¼SW¼NW¼NW¼,
SE¼SW¼NW¼NW¼,
S½NE¼SE¼NW¼NW¼,
S½SE¼NW¼NW¼.

The sale will be held on approximately the 25th day of September, 1979. The lands are being offered as a direct non-competitive sale to Mr. Roscoe Ward, the owner of the adjoining tract and improvements on the sale tract, who unintentionally occupied and developed the tract as his homesite and ranch headquarters under the mistaken belief that the tract was part of his privately owned land. Disposal by direct sale to Mr. Ward, rather than by public auction, will legalize his occupancy of the lands, preserve his homesite, protect his equity investment in the improvements on the lands, and eliminate an undue hardship if he were compelled to cease his occupancy and remove or dispose of his improvements.

The sale will resolve a complicated trespass situation. The lands have not been used and are not required for any federal purpose. They are not suitable for management by another federal department or agency. Disposal would best serve the public interest. The sale will be consistent with the Bureau of Land Management's planning for the lands. Disposal would have no adverse impact on local planning and zoning as the county commissioners have recommended the disposal of the lands to Mr. Ward.

The terms and conditions applicable to the sale are: 1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of these lands will be subject to all valid existing rights.

Detailed information concerning the sale, including the planning documents, land report and environmental assessment report, is available for review at the Burley District Office, 200 S. Oakley Highway, Route 3, Box 1, Burley, Idaho 83318.

On or before September 4, 1979, interested parties may submit comments to the Secretary of the Interior (LLM-320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior and the required payment, plus the cost of publishing the notice, shall be requested of Mr. Roscoe Ward. Such payment, in

full, shall be in accordance with 43 CFR 1822.1–2.

Wm. L. Mathews,

State Director.

[FR Doc. 79–22380 Filed 7–18–79; 8:45 am]

BILLING CODE 4310–84–M

Vale District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Vale District Advisory Board will be held on August 16, 1979.

The Board meeting scheduled for June 28, 1979 was not held because a quorum of the members were not present.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management at 365 "A" St., West, Vale, OR 97918.

The agenda for the meeting will include: (1) Proposed expenditure or range betterment funds in fiscal year 1980 and (2) Discussions on the development of Allotment Management Plans, subject to the completion of the Ironside Environmental Impact Statement.

The meeting is open to the public. Interested persons may make oral statements to the board, or may file written statements for the board's consideration. Anyone wishing to make oral statement must notify the District Manager, Bureau of Land Management, 365 "A" St., West, Vale, OR 97918, by August 15, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available during regular business hours for public inspection and reproduction within 30 days following the meeting.

Pearl M. Parker,

District Manager.

July 3, 1979.

[FR Doc. 79–22364 Filed 7–18–79; 8:45 am]

BILLING CODE: 4310–84–M

INTERNATIONAL COMMUNICATION AGENCY

[Delegation Order No. 79–2]

Delegation of Authority; General Counsel

Pursuant to the authority vested in me as Director of the International Communication Agency by Reorganization Plan No. 2 of 1977; by section 204(c) of the Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95–426; 92 Stat. 974; 22 U.S.C. 1475b; approved October 7, 1978); and by Executive Order 12048 of March 27, 1978 (43 FR 13361–13362); I hereby delegate to the General Counsel:

1. the authority to take custody and control of the Agency seal; and

2. the authority to cause the seal to be affixed to official documents or records of the Agency.

The documents or records to which the seal is authorized to be affixed shall include international agreements; attestations of audio-visual materials as coming within the scope of the Beirut Agreement; certified copies of Agency documents or records to be filed with courts, administrative tribunals or other Governmental entities; and in particular cases, documents of official interest to private persons.

The General Counsel is further empowered to cause the seal to be affixed to such other documents as determined to be necessary or desirable for the Agency in the sole discretion of the General Counsel.

Dated: July 13, 1979.

John E. Reinhardt,

Director.

[FR Doc. 79–22395 Filed 7–18–79; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No 79–9]

Thomas Calvin Cloud III, M.D., Hopson City, Ala.; Hearing

Notice is hereby given that on March 2, 1979, the Drug Enforcement Administration, Department of Justice issued to Thomas Calvin Cloud, III, M.D., Hopson City, Alabama, an Order to Show Cause as to why the Drug Enforcement Administration registration AC7156296 issued to Respondent pursuant to 21 U.S.C. 823 should be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Admistration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Wednesday, August 1, 1979, in Room 604, Jefferson County Courthouse, 716 N. 21st Street, Birmingham, Alabama.

Dated: July 13, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79–22368 Filed 7–18–79; 8:45 am]

BILLING CODE 4110–09–M

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Meeting

July 16, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1. Date: August 6, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category A applications in Foreign Languages and Literatures submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

2. Date: August 8, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Sociology-Anthropology submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

3. Date: August 8, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review Fellowships in Category A applications in Foreign Languages and Literatures submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

4. Date: August 10, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Archaeology, Architecture and Art submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

5. Date: August 10, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review Fellowships in Category A and B applications in Music submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

6. Date: August 13, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Modern British and American Poetry; Theatre and Film; and Writing submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

7. Date: August 14, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in American History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

8. Date: August 14, 1979. Time: 9 a.m. to 5:30 p.m. Room: 1025. Purpose: To review Fellowships in Category A applications in Religious Studies submitted to the National

Endowment for the Humanities for projects beginning after January 1, 1980.

9. Date: August 15, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Classical, Italian, Hispanic and Far Eastern Literature submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

10. Date: August 17, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in Political Science and Non-Western History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

11. Date: August 21, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in French, German, Near-Eastern and Russian Literature submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

12. Date: August 21, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review Fellowships in Category A applications in Non-Western History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

13. Date: August 22, 1979. Time: 9 a.m. to 5:30 p.m. Room: 1134. Purpose: To review applications in the Social Sciences that have been submitted to the General Research Program of the National Endowment for the Humanities for projects beginning November 1, 1979.

14. Date: August 27, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category B applications in American Literature submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

15. Date: August 31, 1979. Time: 9 a.m. to 5:30 p.m. Room: 314. Purpose: To review Fellowships in Category A applications in European History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-22299 Filed 7-18-79; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-358 OL]

Cincinnati Gas & Electric Co., Et Al. (William H. Zimmer Nuclear Station); Resumption of Evidentiary Hearing

July 13, 1979.

The evidentiary hearing in this proceeding will resume at 9:30 a.m. on Tuesday, August 7, 1979, in Room 805 at the U.S. District Court, U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45202. To the extent necessary, such hearings will continue on August 8–10, 1979, beginning at 9 a.m. each day.

Dated at Bethesda, Maryland, this 13th day of July, 1979.

The Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman.

[FR Doc. 79-22338 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. S50-599 and S50-600]

Commonwealth Edison Co., et al. (Carroll County Site) Order Scheduling Special Prehearing Conference

Pursuant to 10 CFR 2.751a, on August 15, 1979 (and on August 16, 1979, if necessary) beginning at 9:30 a.m., local time, a Special Prehearing Conference will be held in the City Council Chamber, Savanna City Hall, 101 Main Street, Savanna, Illinois 61074, in order to:

1. Permit identification of the key issues in the proceeding;

2. Take any steps necessary for further identification of the issues;

3. Consider all intervention petitions to allow the presiding officer to make such preliminary or final determinations as to the parties to the proceeding as may be appropriate; and

4. Establish a schedule for further actions in the proceeding.

Further, pursuant to 10 CFR 2.714(b), as amended, not later than fifteen (15) days prior to the holding of the Special Prehearing Conference, any person who filed a petition for leave to intervene shall file a supplement to his petition to intervene which must include a list of contentions which petitioner seeks to have litigated in the matter and the bases for each contention set forth with reasonable specificity.

Limited appearance statements will not be received at the above mentioned conference, but will be received at any subsequent prehearing and/or at the beginning of the evidentiary hearing.

It is so ordered.

Dated at Bethesda, Maryland this 10th day of July 1979.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Chairman.

[FR Doc. 79-22339 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment deletes pressurizer level as an input to safety injection actuation, and requires actuation of safety injection based on two out of three channels of low pressurizer pressure.

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 in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 29, 1979, (2) Amendment No. 56 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the

Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of July, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 79-22340 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-2623]

Duke Power Co. (Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station); Resumption of Evidentiary Hearing

July 13, 1979.

Please take notice that the evidentiary hearing in the above-captioned case will resume on Monday, August 6, 1979 at the Board Room of the Mecklenburg County Administration Building, located at 720 East Fourth Street, Charlotte, North Carolina, commencing at 9:30 a.m., local time. On Tuesday, August 7-10, 1979, the evidentiary hearings will be held at the Commissioners Board Room at the Charlotte-Mecklenburg Educational Center, located at 701 East Second Street, Charlotte, North Carolina, commencing at 8:00 a.m., local time.

It is so ordered.

Dated at Bethesda, Maryland, this 13th day of July 1979.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman.

[FR Doc. 79-22341 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp.; Authorization To Resume Operation

The United States Nuclear Regulatory Commission issued an Order (the Order) on May 16, 1979 (44 FR 29765, May 22, 1979), to the Florida Power Corporation (FPC or licensee), holder of Facility Operating License No. DPR-72, for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility or Crystal River Unit 3), confirming that the licensee accomplish a series of actions, both immediate and long-term, to increase the capability and reliability of the facility to respond to various transient events. In addition, the Order confirmed that the licensee would maintain the plant in a shutdown condition until the following actions had been satisfactorily completed:

"(a) Upgrade the timeliness and reliability of delivery from the Emergency Feedwater System by carrying out actions as identified in Enclosure 1 of the licensee's letter of May 1, 1979."

"(b) Develop and implement operating procedures for initiating and controlling emergency feedwater independent of Integrated Control System control."

"(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or turbine trip."

"(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action."

"(e) All licensed reactor operators and senior reactor operators will have completed the TMI-2 simulator training at B&W."

By letter dated May 1, 1979 and supplemented by five letters dated May 16, June 12, 15, 22, and 1979, FPC has documented the actions taken in response to the May 16 Order. Notice is hereby given that the Director of Nuclear Reactor Regulation (the Director) has reviewed this submittal and has concluded that the licensee has satisfactorily completed the actions prescribed in items (a) through (e) of paragraph (1) of Section IV of the Order, that the specified analyses are acceptable and the specified implementing procedures are appropriate. Accordingly, by letter dated July 6, 1979, the Director has authorized the licensee to resume operation of Crystal River Unit 3. The bases for the Director's conclusions are more fully set forth in a Safety Evaluation dated July 2, 1979.

Copies of (1) the licensee's letter dated May 1, 1979 and five letters dated May 16, June 12, 15, 22, and 29, 1979, (2) the Director's letter dated July 6, 1979 and (3) the Safety Evaluation dated July 2, 1979, are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and are being placed in the Commission's local public document room in the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 6th day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-22344 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 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 modified the Technical Specifications by changing the required sodium hydroxide concentration in the reactor building spray chemical additive tank and by increasing the required shutdown margin during Modes 4 and 5. The action satisfies the requirements of license condition 2.C.(4). 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) an environmental impact

statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 25 and July 3, 1979, (2) Amendment No. 20 to License No. DPR–72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the 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, Maryland, this 3rd day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79–22342 Filed 7–18–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 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 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 permit power operation during Cycle 2 at the currently authorized power level of 2452 MWt.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with Cycle 2 operation at an increased power level of 2544 MWt was published in the **Federal Register** on March 28, 1979 (44 FR 18569). No request for a hearing or petition for leave to intervene was filed following this notice of proposed action. At the licensee's request, the Commission has postponed action on the power increase.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 28, 1979 and March 15, 1979, as supplemented May 25, 1979, (2) Amendment No. 19 to License No. DPR–72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the 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, Maryland, this 3d day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79–22343 Filed 7–18–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Provisional Operating License No. DPR–16, issued to Jersey Central Power & Light Company (the licensee), which amended the license for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment authorizes a limited extension of the completion dates for certain plant modifications which we have required to improve the level of fire protection at Oyster Creek. In addition, this action allows some changes to some of the modifications being made to improve the level of fire protection at the facility.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 1, 1979, and the licensee's letters dated March 14, 1979 and June 26, 1979, (2) Amendment No. 38 to License No. DPR–16, (3) the Commission's related Safety Evaluation, and (4) Amendment No. 29 and its related Fire Protection Safety Evaluation dated March 3, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. 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, Maryland, this 29th day of June, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79–22345 7–18–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-482]

Kansas Gas & Electric Co. (Wolf Creek Nuclear Generating Station, Unit 1); Issuance of Director's Decision

The Commission published notices in the Federal Register on February 1 and February 20, 1979, to the effect that the Critical Mass Energy Project, the Mid-America Coalition for Energy Alternatives, and other persons had petitioned the Commission to suspend or revoke Construction Permit No. CPPR-147 for the Wolf Creek Nuclear Generating Station, Unit No. 1. 44 Fed. Reg. 6535, 10445. Since publication of these notices, the Commission has also received several other petitions that also requested suspension or revocation of the Wolf Creek construction permit. The bases of these petitions essentially concerned the acceptability of concrete at the Wolf Creek facility, particularly whether the base mat's concrete is of sufficient strength for its intended function and whether the quality assurance system at the facility is adequate to assure acceptable concrete work. These petitions have been treated as requests for action under 10 CFR 2.206 of the Commission's regulations.

Upon a review of the information presented in the petitions and a consideration of other pertinent information, I have determined not to order suspension or revocation of the Wolf Creek construction permit at this time. Accordingly, the various petitions requesting suspension or revocation of the construction permit are denied.

A copy of the decision will be placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and in the local Public Document Room for the Wolf Creek Generating Station at the Coffey County Courthouse, Burlington, Kansas 66839. A copy of the decision will also be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As also provided in 10 CFR 2.206(c) of the Commission's regulations, the decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated at Bethesda, Maryland, this 12th day of July, 1979.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 79-22346 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-516 and 50-517]

Long Island Lighting Co. (Jamesport Nuclear Power Station, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Richard S. Salzman, Chairman, Dr. W. Reed Johnson.

Dated: July 12, 1979.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 79-22347 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-258]

Omaha Public Power District; Issuance of Amendment to Facility Operating License and Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee) which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1 (the facility), located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises the Techncial Specifications to incorporate surveillance requirements for inspection of steam generator tubes and to replace the current inservice inspection Technical Specifications with an inservice inspection program that meets the requirements of 10 CFR 50.55a.

By letter dated July 2, 1979, as supported by the related safety evaluation, the Commission has also granted relief form certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the inservice inspection (testing) program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment, and letter and safety evaluation granting relief. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see (1) the application transmitted by letter dated August 22, 1977, as revised by letters dated September 8 and 28, and November 20, 1978, (2) Amendment No. 46 to License No. DPR-40, (3) the Commission's related Safety Evaluation, and (4) the Commission's letter to the licensee dated July 2, 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 Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. 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, Maryland, this 2nd day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-22348 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas & Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment revises certain provisions in Sections 6 and 5 (Administrative Controls) of Appendices A and B, respectively, to reflect changes in the corporate and facility organizational structure and a change in the Onsite Review Committee (OSRC).

The application for amendment complies with standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 18, 1979, (Proposed Change No. 77) as supplemented by letters dated May 11 and May 31, 1979, and (2) Amendment No. 42 to License No. DPR-13, including the Commission's related transmittal letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92676. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of July 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-22349 Filed 7-18-79; 8:45 am]

BILLING CODE 7590-01-M

National Transportation Safety Board

[N-AR-79-29]

Accident Report, Safety Recommendations and Responses; Availability

Aircraft Accident Report

United Airlines, Inc., McDonnell-Douglas DC-8-61, N8082U, Portland, Oregon, December 28, 1978 (NTSB-AAR-79-7).—The National Transportation Safety Board has completed its investigation into the crash of Flight 173 and on July 6 made available copies of its formal investigation report. The DC-8, carrying 181 passengers and a crew of 8, crashed 6 miles southeast of the Portland International Airport while attempting a landing.

Investigation showed that the aircraft had delayed southeast of the airport at a low altitude for about 1 hour while the flightcrew coped with a landing gear malfunction and prepared the passengers for the possibility of a landing gear failure upon landing. The aircraft was destroyed; there was no fire. Eight passengers, the flight engineer, and a flight attendant were killed, and 21 passengers and two crewmembers were injured seriously.

The Safety Board determined that the probable cause of the accident was the failure of the captain to monitor properly the aircraft's fuel state and to respond to the low fuel state and the crewmember's advisories regarding fuel state. This resulted in fuel exhaustion to all engines. His inattention resulted form preoccupation with a landing gear malfunction and preparations for a possible landing emergency. Contributing to the accident was the failure of the other two flight crewmembers either to fully comprehend the criticality of the fuel state or to successfully communicate their concern to the captain.

The Safety Board learned that United Airlines had recently changed the fuel quantity gages on this aircraft from a direct reading digital-type to a three-figure indicator that must be multiplied by a factor of 100 to get the actual fuel tank values. The new total fuel gage, with an identical display of the same three-figure presentation as the individual tank gages, must be multiplied by a factor of 1,000 to get the actual total fuel value. The captain must have read the gage incorrectly.

Believing that the design can cause confusion, the Safety Board, in one of four recommendations resulting form the United accident, urged the Federal Aviation Administration to assure that the differences in fuel-quantity measuring instruments is stressed during flightcrew training and that the crews using the new system are made aware of the possibility of misinterpreting the gage readings.

The Board also noted that the complexity of current airline flight operations imposes considerable demands on flight crewmembers, particularly under high workload conditions. But the Board's accident investigation experience has indicated that at times some airline captains have failed to take advantage of important available resources, which include not only available equipment but also the assistance of a coordinated crew. The Board noted that first and second officers have not, in some cases, adequately monitored flight progress, positively communicated their observations, or actively assisted the captain in his management of the flight. To improve flightdeck management, the Safety Board urged FAA to issue an operations bulletin to all air carrier operations inspectors directing them to urge their assigned operators to ensure that their flightcrews are indoctrinated in principles of flightdeck management, emphasizing particularly the merits of participative management for captains and assertiveness training for other cockpit crewmembers. (For the complete text of recommendations A-79-32 through 34, issued May 11, and A-79-47, issued June 13, see 44 FR 28897, May 17, 1979, and 44 FR 36272, June 21, 1979, respectively.)

Aviation Safety Recommendation Letter

A-79-56 and 57.—On September 2, 1978, Antilles Air Boats, Inc., Flight 941, a Grumman G21A, N7777V, crashed while en route from St. Croix to St. Thomas, V.I. The pilot and three of the ten passengers died in the accident.

Board investigation of the accident revealed that N7777V was being operated at 8,200 lbs when the left engine failed. Single-engine flight was

impossible, and the aircraft crashed into the ocean. The Grumman G21A had a maximum gross takeoff weight of 8,000 lbs or less until April 1978, when FAA's Western Region approved Supplemental Type Certificate (STC) SA 3630 WE to increase the maximum gross takeoff weight to 8,750 lbs. After the accident involving N7777V and an FAA-sponsored G21A test flight which resulted in an accident last November 5, the Western Region attempted to revalidate STC SA 3630 WE, since FAA personnel stated that they doubted the validity of the STC and the capability of the G21A to operate under all conditions at 8,750 lbs. Last February 13 the Western Region conducted another G21A performance test flight. The aircraft could not meet the necessary performance requirements at 8,750 lbs and STC SA 3630 WE was canceled on February 26, 1979.

The Safety Board has learned that there are no reliable performance data available for the Grumman G21A. The aircraft was certificated in 1934 under requirements of Aeronautical Bulletin 7A, which required that an aircraft demonstrate single-engine climb capability, but did not specify any rates. As a result, no data were gathered and retained for future reference. The Grumman G21A is employed in passenger operations under 14 CFR Part 135, and certain modified G21A aircraft are authorized to operate up to 8,000-lb gross weight. In view of the contradictory performance data reported during four FAA test flights conducted during the past year, the Safety Board believes that the performance capability of the G21A must be determined accurately for the weights currently authorized.

Also, the Safety Board is concerned about procedures employed when STC SA 3630 WE was issued. Board investigation revealed that there was lack of management and quality control in the approval of the STC, as well as a lack of accuracy and procedures during the actual test flight. Deficiencies included the failure to note that the test aircraft did not have the designated engines, failure to compute the weight of the aircraft accurately, failure to determine zero thrust properly, and failure to verify instrument and gage accuracy. The Safety Board believes that the proper certification procedures exist to insure proper development of an STC. However, FAA personnel involved did not observe the procedures nor did they conduct the flight test satisfactorily.

Accordingly, on July 12 the Safety Board recommended that FAA:

Determine the performance data for Grumman G21A aircraft at current operating weights to insure that the appropriate certification requirements can be satisfied. (A–79–56) (Class II, Priority Action)

Insure that procedures for the proper development, testing, review, and quality control for the issuance of supplemental type certificates are complied with in each FAA Region. (A–79–57) (Class III, Longer Term Action)

Responses to Safety Recommendations

Highway

H–79–3 and 4.—Letter of July 2 from the State of Washington Department of Transportation concerns recommendations issued following investigation of a grade crossing accident near Elbe, Wash., last July 31. The letter is in response to the Safety Board's comments on Washington DOT's response of April 4 (44 FR 25954, May 3, 1979) to recommendations which asked that Washington DOT take steps to make certain modifications to the crossing and to survey other crossings in the State to determine the need for similar corrections.

The Safety Board on April 30 expressed concern about Washington DOT's contention that primary responsibility for railroad signal installation lies with the railroad company. The Board believes that this posture is inconsistent with current railroad-highway grade crossing safety trends, noting that a U.S. Department of Transportation report to Congress in 1971 and the August 1978 Federal Highway Administration (FHWA) publication, "Railroad-Highway Grade Crossing Handbook," both state:

Most States have recognized that the demand and need for grade crossing improvements have been the result of development, growth, and public acceptance of motor vehicles and highways; that grade separation and grade crossing safety improvements are more significantly a part of the highway system rather than the railroad system; and that such safety projects benefit highway users more than railroads. This shifting of responsibility has occurred and still is occurring despite the findings of the courts that the States could legally and constitutionally require the railroads to bear the entire responsibility for grade crossings.

The Board also noted that since Federal funding for railroad-highway grade crossing improvements comes from FHWA through the State highway agency, responsibility for initiation of projects is shifting to that State agency. To be eligible for this funding, the State is required to keep an updated survey of these crossings and their conformance to current safety standards. The Safety Board is convinced that in instances where a public road crosses a railroad at grade, it is the responsibility of the public agency with jurisdiction over the roadway to insure the safety of the users of that crossing.

On May 2 the Safety Board forwarded copies of its original letter of recommendation, Washington DOT's April 4 response, and the Board's April 30 letter to the Chicago, Milwaukee, St. Paul, and Pacific R. R. Co. (the Milwaukee Road) on whose tracks the railroad-automobile collision took place. The Board asked that the Milwaukee Road field personnel be made aware of the problem and that the Board be informed of any action taken by either the railroad company or the State highway agency.

Washington DOT's July 2 response advises that the State of Wahington does keep safety records of the railroad-highway crossings. From these records and other data, crossings for 203 funding are prioritized. That prioritization is generally in accordance with NCHRP Report No. 50 but, in addition, accounts for the number of accidents occurring at the crossing. The following method is used:

1. A modified Voorhees formula is applied to 4,000 public crossings to develop the initial priority array.
2. The potential projects are examined in more detail from a prospectus outlining additional information.
3. A site evaluation is made considering four factors.
4. Accidents are analyzed.
5. All the data are computed in a formula to arrive at a rating for each of the crossings in order to develop the final priority array.

Washington DOT states that proposed railroad crossing improvements are selected from the priority array, in cooperation with the railroads, until all Federal funds currently available in the State are committed. The crossing in question had only the one reported accident, and NCHRP No. 50 specifically points out that a program to provide protection should not, except in very rare cases, be based on an individual crossing's accident experience. Washington DOT states that the single accident, though tragic, is taken to be random in nature and the ranking of this particular crossing is based on the objective site factors. The crossing near Elbe did not rate high enough on the priority array to rate funding for the present program but may be eligible for the next biennium program as a result of the new array, according to Washington DOT.

The State of Washington has been a forerunner in providing funds for protecting railroad crossings from State

funding resources, including the Grade Crossing Protection Fund administered by Washington State's Utilities and Transportation Commission. Washington DOT further notes that the railroads do not allow it to design their installations; also, the railroads are not convinced of the need for designing traffic signals at or near grade crossings as provided for in paragraph 8C–6 of the Manual on Uniform Traffic Control Devices.

Implementation of recommendations H–79–4, to evaluate and correct visibility problems from sunlight glare at all east-west rail-highway crossings, is ongoing in the State, Washington DOT reports, and this factor is reviewed as each crossing improvement project is developed. Since there may be better solutions than those mentioned, possibly additional research should be undertaken in this area.

H–79–10 and 11.—The National Highway Traffic Safety Administration on June 29 responded concerning recommendations issued following investigation of the overturning of an Ypsilanti, Mich., Boys Club bus on I–75 near Tifton, Ga. (See 44 FR 18748, March 29, 1979.) NHTSA plans to write the Governor of each State, calling attention to this accident and recommending that vehicles transporting persons on a nonscheduled, not-for-hire basis be subject to the same inspection, maintenance, and driver requirements which apply to the States' schoolbuses.

Marine

M–77–1 through 6.—On May 30 the U.S. Coast Guard responded to the Safety Board's comments of last November 1 regarding Coast Guard's previous response dated August 15, 1978 (43 FR 41102, September 14, 1978). This correspondence relates to recommendations developed as a result of the collision between the SS *Keytrader* and SS *Baune* on the lower Mississippi River on January 18, 1974.

With reference to M–77–1, the Safety Board noted that Coast Guard will pursue the concept of relating the solution time required for radar plotting problems to the setting of maximum safe speeds in limited visibility situations, and expressed the hope that Coast Guard's workload will permit early investigation of this concept. In response, Coast Guard states that it has determined that specifying maximum safe speeds based on time required to solve and interpret relative motion problems would not be feasible due to numerous variables. Coast Guard has prepared a draft legislative package which would revise current Inland, Great Lakes, and Western River Rules. These revised rules would conform as closely as possible to 1972 COLREGS (International Regulations for Prevention of Collisions at Sea). The package is under review and will be forwarded to Congress early this year. Rules 6 and 19 of the 72 COLREGS are being incorporated word-for-word. These rules address the determination of "safe speed" and operations in restricted visibility situations.

The Safety Board on November 1, with reference to recommendation M–77–2, stressed for the record its concern in forwarding this recommendation; namely, to call attention to the relationship between current strength, vessel speed, and maneuverability under limited visibility conditions. As the Board previously stated, when the strength of current exceeds a certain level, vessel navigation at speeds slow enough to make proper use of radar data may not be safe. Vessel operation during restricted visibility is dangerous; radar navigation under such conditions can be effective only if there is time to make use of the data to plot location and movements of other vessels. The current strength is a quantifiable factor that can be given limits within which two-way radar navigation ship traffic in a channel would be dangerous. The Board believes that the responsible mariners on the scene should have the benefit of a mathematical study of the possible reactions of vessels encountering various currents while navigating by radar in limited visibility. The Safety Board has closed its file on this recommendation with a note of unacceptable action on the part of the Coast Guard and will reconsider the relevancy of this issue in future accident investigations. Coast Guard had no comment.

With respect to recommendation M–77–3, the Safety Board considers the inclusion of a proficiency requirement for radar data processing in the "Radar Observer" endorsement for the deck officers license to be an appropriate step in compliance, and suggests that this information should be keyed to the solution time/vessel speed concept discussed in M–77–1. In response, Coast Guard expects to publish a proposed rule (CGD–193a) in August 1979 which would amend 46 CFR 10.05–46. The amended regulations would place greater emphasis on practical operational and interpretive skills and less on written examinations, Coast Guard stated. Applicants for a radar observer endorsement would be required to demonstrate these skills on a real-time radar simulator at a facility specifically approved by the Commandant.

Concerning M–77–4, the Board appreciates Coast Guard's action to publish information on the characteristics of sound signals beyond what is found in the 72 COLREGS, and asks for priority action to allow publication in the near future. The Board also asks that Coast Guard consider including this information in the Western River Rules of the Road revision. Coast Guard did not comment in its May 30 letter.

The Safety Board, with respect to M–77–5, said it was pleased with Coast Guard's reaction to the results of the testing of aluminum hatch covers. This recommendation file will be held open pending the outcome of the rulemaking activity and the results of the examination of possible substitution of more fire resistant hatch cover gaskets as mentioned in Coast Guard's October 11, 1977, letter. Coast Guard had no comment.

Regarding M–77–6, the Safety Board stated that the problem of emergency response to fires or other catastrophes is of great concern in all modes of transportation and has been most recently discussed in the marine mode in the investigation report on the Tank Barge 924 explosion and fire in Greenville, Miss. In reply to Coast Guard's response to recommendation M–78–8 concerning this subject, the Board proposed the possibility of Coast Guard leadership in developing a Federal-local coordinated effort in disaster mitigation. A fire allowed to burn for 53 hours is a hazard to everyone. The Board believes that Coast Guard has an obligation to determine where emergency-response problems exist and to propose solutions either in the form of Federal legislation, regulations, or local cooperation efforts. The file will be kept open on this issue, and the Board suggests that Coast Guard either document the statement that those lapses in ability to contain marine fires are "alleged gaps" or suggest legislation or regulatory changes to provide for this emergency response.

In response to the Board's November 1 comments on recommendation M–77–6, Coast Guard says it responds to requests for assistance where its resources allow. Primary responsibility for maintaining adequate fire response capability rests with the local port operators. New USCG boats have fire monitors and built-in fire pumps. Coast Guard has many longstanding agreements with local authorities in many metropolitan areas concerning fire contingency plans. In rural areas,

problems associated with the development of contingency plans are increased due to the many jurisdictions involved, Coast Guard stated. Due to its limited resources, Coast Guard believes that the emphasis on metropolitan areas where major marine fires are most likely to occur is the most feasible approach.

M–78–53 through 55.—On June 28 the U. S. Army Corps of Engineers responded to the Safety Board's June 7 inquiry as to the status of implementation of these recommendations, which were developed as a result of the Board's investigation and analysis of the collision of the Greek tankship M/V *Dauntless Colocotronis* and a sunken barge near New Orleans, La., on July 22, 1977. The recommendations asked the Corps of Engineers to develop, in conjunction with the U.S. Coast Guard, standards to define what constitutes a hazard to navigation in the Mississippi River so that 33 CFR Part 64 can be better enforced (M–78–53); to provide information to the Coast Guard concerning wrecks that are hazards to navigation in the Mississippi so that Coast Guard can publish an annual summary of such wrecks (M–78–54); and to adopt or develop improved techniques for locating the position of wrecks and determining the depth of water over wrecks in the Mississippi (M–78–55). (See also 43 FR 34222, August 3, 1978.)

The Army Corps of Engineers concurs in these recommendations and has taken the following actions to accomplish them.

With respect to M–78–53, discussions have been held with the Coast Guard Port Safety and Law Enforcement Division and Aids to Navigation Division to develop a standard definition of what constitutes a hazard to navigation in the Mississippi River. A joint task force expects to publish this definition prior to September 30, 1979. The Corps of Engineers is proposing that this standard definition be broadened to include all navigable waters under its cognizance.

Concerning recommendation M–78–54, a current Engineer Regulation, ER 1145–2–305, requires the District Engineer to ascertain, at once, whether navigation is obstructed or endangered. If the owner has not marked the obstruction, the District Engineer will request the local Coast Guard Commander to do so. Also, whenever the condition of any wreck which has been marked by the Coast Guard changes, due to any reason, so that markings are no longer needed, the District Engineer having jurisdiction will notify the Coast Guard District Commander at once.

With respect to M–78–55, U. S. Army Corps of Engineers districts having responsibilities for maintaining navigation channels on the Mississippi River have procured, or have available, a magnetometer for use in conducting surveys of underwater obstructions.

Railroad

R–78–41.—On June 6 the Federal Railroad Administration responded to the Safety Board's April 17 comments concerning FRA's previous response dated March 28 (44 FR 23392, April 19, 1979). The recommendation, one of a series issued following Board investigation of the rear end collision of an Amtrak passenger train by a Conrail commuter train at Seabrook, Md., on June 9, 1978, called on FRA to use its emergency powers to require any carrier with locomotives and/or cars equipped with General Railway Signal Company (GRS) cab signal systems to immediately establish instructions for the safe operation of trains so equipped until this equipment is repaired.

The Safety Board on April 17 acknowledged that a preliminary determination indicated that a design deficiency in GRS amplifiers allowed an improper cab signal aspect under certain track circuit energy conditions and asked to be advised further regarding the reported design flaw, as well as information regarding the corrective modification.

In response, FRA reports that recent correspondence with GRS indicates that empirical tests have been completed and data developed to support an acceptable fix to the GRS Cab Signal System amplifier and input circuit to the filter section. Modification to the input circuit to the filter section includes elimination of clipping diodes in advance of the filter in combination with tuning coils from the filter. FRA states that since mid-March 1979, GRS has shipped approximately 60 new amplifiers to replace the old ones. Wiring changes to implement the input modification began at the same time. Revisions to existing GRS instruction manuals will be published and provided to reflect changes in the equipment. The GRS cab signal modification program is expected to be completed by January 1981.

R–79–12 and 13.—Letter of June 19 from the Bay Area Rapid Transit (BART) District of Oakland, Calif., is in response to the Safety Board's May 17 comments on BART's previous response of April 12 (44 FR 28900, May 17, 1979). The recommendations were issued following investigation of the fire-cause fatality and damages on a BART train last January 17 and urged BART to include in its predispatching procedure an inspection of all undercar equipment covers to assure that such equipment covers are in place and properly secured (R–79–12) and to provide a suitable securement mechanism for all undercar equipment covers on BART's rolling stock (R–79–13).

The Safety Board's May 17 letter states with reference to R–79–12 that the employee sign-off procedure offers assurance that undercar covers will receive timely scheduled inspections. The Board notes with interest that the vehicle number will be stencilled on the covers, enabling BART to quickly inspect specific cars and to determine the source of inadequate maintenance, in the event that the problem of fallen covers recurs. The Board finds BART's response to R–79–12 satisfactory and advises that the recommendation has been closed—acceptable action.

With respect to R–79–13, the Safety Board asked for a more detailed response in the following areas:

1. In regard to the six covers utilizing pin securement, what criteria has been used in determining that they "do not appear to require modification at this time"? The Board seeks assurance that the continued use of pin securement will not create future safety problems.

2. With reference to BART's statement that "an assessment is currently underway to determine if an additional locking device is required for two-bolt covers," the Board asked to be advised of the result of the assessment and the details of whatever remedial action is being considered.

3. BART advised of a modification, including installation of a positive locking device, to the line switch box cover. The Board asked for a blueprint or drawing of the cover modification and wanted to know when the BART fleet will be so modified.

BART's June 19 response is accompanied by sketches of the proposed and ongoing cover modifications and supplies the following information in answer to the Board's queries:

1. The six covers utilizing pin securement are identified as the evaporator box covers. Each cover is mounted to the box with four spring snapover center latches and is equipped with two drilled clevis pins which have chained safety pins through them. These covers have had such securement since the vehicles were manufactured, and there is no record of their having fallen from a vehicle. A design review of these covers and a review of their past performance assures that continued use of the present evaporator box cover configuration will not create future safety problems.

2. BART has assessed all covers. The two-bolt covers are on semi-conductor and auxiliary electric boxes. These boxes will be modified. The materials are on order and modification is scheduled to commence by July 1, 1979. The auxiliary electric and semi-conductor box covers will be secured by two each, ⅜-inch nuts and studs. The studs will be drilled and a chanined safety pin inserted through each stud. Also, two other covers will be modified starting July 1: the motor control box and traction motor covers. The motor control box cover will be secured by three spring snapover center latches. Metal flange plates will be riveted to the cover and box with a clevis pin through the plates and secured by a chanined safety pin. The catch for the traction motor covers is found to be, in some cases, too small. They will be increased in size by welding additional material to them.

3. The line switch box cover fasteners are now being modified by drilling the securement bolt head and securing it with a chained safety pin. As of now, fleetwide modification is 93 percent complete.

R–79–through 31.—The State of New Jersey Department of Transportation on June 13 responded to recommendations issued last March 21 also in connection with the Seabrook, Md., train collision involving Conrail and Amtrak equipment. (See 44 FR 18570, March 29, 1979, and 44 FR 23392, April 19, 1979.)

Recommendation R–79–29 called on New Jersey DOT to change the emergency release mechanism for doors on all cars of the type involved in this accident so that the doors can be opened by passengers under emergency conditions, and properly identify the operating emergency equipment. New Jersey DOT responded to this recommendation as follows:

A. Arrow III (230 cars)

1. The emergency release mechanism for this group of cars is readily accessible and simple to operate. The panel enclosing the mechanism can be opened by pulling on a ring latch. No tool or key is required.

2. A new instruction decal will be applied to the outside surface of the panel. The letters will be warm red on a white background and will read:

In Case of Emergency

Passengers can open this access door by pulling on the ring handle.
Instructions on how to open the adjacent exit door are on the inside of this door.

3. An additional decal will be applied to the inside surface of the panel, specifically for passenger information. The letters will be warm red on a white background and will read:

Passenger Emergency Instruction

1. Move red emergency handle to the unlock position—direction of arrow.

2. Go to adjacent exit door panel and slide open.

B. Arrow II (70 cars)

The latch for opening the panel which encloses the door release mechanism is presently a pencil type lock which requires the use of a pencil or similar tool. This latch will be changed to the same type used on the Arrow III cars described in item A–1 above. Also, instruction decals will be applied as described in items A–2 and A–3 above.

C. Arrow I (33 cars)

These cars are not now in service and are scheduled for a major refit, at which time the design will be modified to provied similar ready access and easy operation of the door release mechanism as described in A–1 above. Instruction decals will be added as described in A–2 and A–3 above.

In response to R–79–30, which asked for a means for emergency personnel to open car door from the outside, New Jersey DOT expresses concern that providing easy access for emergency conditions creates the potential for a tremendous increase in vandalism with resultant very large increase in operating and maintenance costs for providing passenger service. However, a system has been designed which will permit the recommended access feature. It includes a breakable glass window (in an effort to deter non-emergency use). The rough estimate is $325 for each location recommended for providing such access. New Jersey DOT urges the Safety Board to reevaluate their position and recommendation for external door control operating mechanism.

Recommendation R–79–31 called for altering the interiors of commuter cars to correct the injury-producing features of the car design. New Jersey DOT responded as follows:

Seats. The Arrow III cars meet the recommendations The Arrow II cars will get new seats at planned rehabilitation and will meet the recommendations. The Arrow I cars will be reupholstered at time of rehabilitation and will meet the recommendations.

Coat Hooks. There are no coat hooks on the Arrow III and Arrow I cars and will be removed from the arrow II cars at time of rehabilitation.

Walkover Type Seats. New Jersey DOT is not clear concerning the Safety Board's position on walkover type seats and asks for clarification. It has been a very sensitive issue with commuters who desire to ride facing forward. Designs are available that would lock the seat in a manner similar to that used on automobiles, but use of such a device would increase operating costs.

Note: Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchsed by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

July 16, 1979.

[FR Doc. 79–22396 Filed 7–18–79; 8:45 am]

BILLING CODE 4910–58–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review; Background

July 16, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public or 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 COMMERCE

Agency Clearance Officer—Edward Michaels—377–4217

New Forms

Bureau of the Census
Economic Censuses Classification Report
Single time
Nonmail establishments in 1977 economic censuses, 650,000 responses, 162,500 hours
Office of Federal Statistical Policy & Standard, 673–7974.

Bureau of the Census
Farm Energy Consumption Survey—Test 1979
79–A35(T1)
Single time
Sample of farms in the 1978 census of agriculture, 1,500 responses, 1,125 hours
Office of Federal Statistical Policy & Standard, 673–7974.

DEPARTMENT OF ENERGY

(Agency Clearance Officer—John Gross—252–5214)

Revisions

Energy Company Financial Reporting System
EIA–28
Annually
Major energy companies, 81 responses, 257,313 hours.
Jefferson B. Hill, 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Agency Clearance Office—Peter Gness—245–7488)

New Forms

Center for Disease Control
Non-Influenza Acute Respiratory Disease
Surveillance system
On occasion
1,680 laboratories and clinics, 1,680 responses, 1,680 hours.
Off. of Federal Statistical Policy & Standard, 673,7974.

Health Care Financing Administration (Departmental)
Inventory of Health Care Facility Surveyors
HCFA–132T
Single time
State health facility surveyors, 2,000 responses, 1,000 hours.
Richard Eisinger, 395–3214.

Health Care Financing Administration (Medicare)
Special Computation for the Lesser of Reasonable Cost or Customary Charges (Hospitals and Hospital-SNF Complexes)
HCFA–2555
Annually
Hospitals-hospital-SNF complex, 40 responses, 240 hours.
Richard Eisinger, 395–3214.

Office of Human Development
Special Report on Substantial Gainful Activity Rehabilitations for the Trust Funds and SSI Programs
Single time
State VR Agencies, 83 responses, 664 hours.
Barbara F. Young, 395–6132.

Social Security Administration
Statement of Living Arrangements, Support and Maintenance/Additional Statement of Living Arrangements, Support and Maintenance
SSA–8005 & 8006
On occasion
Aged, blind, disabled applicants & recipients, 3,000,000 responses, 250,000 hours.
Barbara F. Young, 395–6132.

Reinstatements

Alcohol, Drug Abuse and Mental Health Administration
Division of Resource Development Product Utilization
Survey
Single time
Drug abuse personnel, 6,233 responses, 1,662 hours.
Richard Eisinger, 395–3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Agency Clearance Officer—John T. Murphy—755–5190)

New Forms

Housing Production and Mortgage Credit
*Application for Mobile Home Appraisal
92802
On occasion
Mortgage companies, 500 responses, 250 hours.
Arnold Strasser, 395–5080.

Revisions

Equal Opportunity
*State/Local Referral Agency Report
HUD–948
Other (See SF–83)
Fair housing agencies, 220 responses, 110 hours.
Arnold Strasser, 395–5080.

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER

(Agency Clearance Officer—Robert J. Roeder—395–5132)

New Forms

President's Commission on Pension Policy
Pensions and Savings Survey Instrument
79–1
Single time
Single family non-farm households, 5,000 responses, 5,000 hours.
Arnold Strasser, 395–5080.

GENERAL SERVICES ADMINISTRATION

(Agency Clearance Officer—John F. Gilmore—566–1164)

Revisions

Report on Procurement by Executive Agencies and Civilian Executive Agencies
SF 37 & 37A
Semi-annually
U.S. Government, 204 responses, 408 hours.
Marsha D. Traynham, 395–6140.

OFFICE OF PERSONNEL MANAGEMENT

(Agency Clearance Officer—John P. Weld—632–7737)

New Forms

Pay Practices Interviewer's Guide for Tipped Employee
OPM 1399–A
Single time

Private establishments in four selected areas, 100 responses, 50 hours.
Marsha D. Traynham, 395–6140.

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–22386 Filed 7–18–79; 8:45 am]

BILLING CODE 3110–01–M

Performance Review Board, Senior Executive Service

Pursuant to the Civil Service Reform Act, (4314(c)(4) requires the appointment of Performance Review Board members be published in the Federal Register.

The following persons will serve on the Performance Review Board, which oversees the utilization and evaluation of the Office of Management and Budget's Senior Executive Service (OMB Manual Section 382):

Performance Review Board

James M. Frey, Chair (Term expires July 1981)

Harrison Wellford

Donald E. Crabill (Term expires July 1980)

Jerome D. Julius (Term expires July 1981)

John Merck (Term expires July 1980)

The Assistant to the Director for Administration will serve as Executive Secretary for the Board.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 79–22240 Filed 7–18–79; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Adjustment of Specialty Steel Quotas

Correction

In FR Doc. 79–21971, appearing at page 41362 in the issue of Monday, July 16, 1979, the fifth figure in the second column of figures in the table on page 41363 should read, "598" instead of "58".

BILLING CODE 1505–01–M

[Doc. 301–18]

American Institute of Marine Underwriters

On May 25, 1979, the Chairman of the Section 301 Committee formally received a petition from the American Institute of Marine Underwriters alleging discriminatory and unfair trade practices and policies by the Government of Argentina. The petition was filed pursuant to Section 301 of the Trade Act of 1974. The text of the petition and a request for written submissions by July 2, 1979, appeared in the Federal Register on June 4, 1979 (44 FR 32057).

1. Petitioner has requested that a hearing be held on this matter. Such hearing will be held on Tuesday, August 28, 1979, and if necessary, will continue on Wednesday, August 29, 1979. The hearing is to be held at the Office of the Special Representative for Trade Negotiations, 1800 G Street N.W., Washington, D.C., Room 730, beginning at 10:00 a.m.

2. Requests to present oral testimony and accompanying briefs must be received on or before August 20, 1979. Written briefs from those persons not wishing to present oral testimony should be received in the Office of the Special Representative for Trade Negotiations on or before the date of the hearing, August 28, 1979, in order to be considered by the Section 301 Committee.

Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all section 301 proceedings (15 CFR 2006 as amended by Federal Register notice of Tuesday, October 18, 1977, page 55611). Please note that all communications to the Chairman of the Section 301 Committee should be addressed to the Office of the Special Representative for Trade Negotiations, Room 715, 1800 G Street N.W., Washington, D.C. 20506.

(a) Submission of briefs and requests to present oral testimony.—Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR 2006.6 and 2006.7 (found in the Federal Register of August 28, 1975, page 39497).

(b) Rebuttal briefs.—In order to assure parties an opportunity to contest information provided by other interested parties in the written briefs and the oral testimony, rebuttal briefs may be filed by any party within 15 days after the transcript of the hearing becomes available.

(c) Attendance at hearings.—The hearings will be open to the public.

Richard R. Rivers,

Chairman, 301 Committee, Office of the Special Representative for Trade Negotiations.

[FR Doc. 79–22380 Filed 7–18–79; 8:45 am]

BILLING CODE 3190–01–M

Non-Rubber Footwear; Marketing Agreement with Republic of China

The following letter, concerning administration of the orderly marketing agreement with the Republic of China on non-rubber footwear has been sent to the Commissioner of Customs:

The Honorable Robert Chasen,

Commissioner, U.S. Customs Service, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: A request has been received from Taiwan concerning the swing provision in paragraph 5(a) of the orderly marketing agreement on non/rubber footwear.

Accordingly, pursuant to operative paragraph (6) of Proclamation 4510 of June 22, 1977, you are hereby requested to increase the second year restraint levels applicable to non-rubber footwear imports entering under TSUS Item No. 923.90 by 10 percent, and TSUS Item No. 923.92 by 15 percent and to decrease the restraint level for nonrubber footwear imports entering under TSUS Item No. 923.91 by the same absolute amount. The adjusted restraint levels, therefore, will be:

923.90—11,000,000 pairs.

923.91—105,087,500 pairs.

923.92—6,912,500 pairs.

This letter will be published in the Federal Register.

Sincerely,

Robert S. Strauss.

Richard R. Rivers,

General Counsel.

[FR Doc. 79–22379 Filed 7–18–79; 8:45 am]

BILLING CODE 3190–01–M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting

The eighth meeting of the Presidential Commission on World Hunger will be held on Friday, August 10, 1979, in Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W. Washington, D.C. The meeting will begin at 9:30 a.m. and conclude at approximately 4:30 p.m.

The agenda for the meeting will include discussion of draft portions of the Commission's Report.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to Presidential Commission on World Hunger, 734 Jackson Place, N.W. Washington, D.C. 20006. Reservations will be honored on the

basis of the earliest postmarks of requests.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 79-22391 Filed 7-18-79; 8:45 am]

BILLING CODE 6820-97-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10778; 812-4493]

American General Enterprise Fund, Inc., and American General Shares, Inc., for an Order Exempting Proposed Transaction

July 13, 1979.

Notice is hereby given that American General Enterprise Fund, Inc. ("Enterprise") and American General Shares, Inc. ("Shares"), 2777 Allen Parkway, Houston, Texas 77019, which is comprised of two series, American General Capital Growth Fund ("Capital Growth") and American General Income Fund ("Income") (hereinafter collectively referred to as "Applicants"), each Applicant registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 15, 1979, and an amendment thereto on July 9, 1979, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed merger of Shares into Enterprise through the exchange of shares of Enterprise, at net asset value, for the assets of Shares. 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.

Applicants state that the proposed merger is part of an overall plan of consolidation of the mutual funds managed by American General Capital Management, Inc. ("AGCM"), the investment adviser of the Applicants and a wholly-owned subsidiary of American General Insurance Company. Such consolidation was undertaken by the independent directors of the Applicants and the other mutual funds managed by AGCM to effect significant economies, including the reduction of management fees and elimination of duplication of certain services and functions, which reduction would benefit Applicants' stockholders.

Applicants state that, as of February 28, 1979, the net assets of Enterprise, Capital Growth and Income were $148,308,048, $142,038,587 and $97,051,488, respectively. On that date Enterprise had 24,930,000 shares outstanding, Income had 16,145,000 shares and Capital Growth had 33,563,000 shares outstanding. Enterprise and Shares were organized under the laws of the State of Delaware in 1953 and 1936, respectively. Subsequetly they were reincorporated under the laws of the State of Maryland. Applicants represent that since the same investment adviser, principal underwriter and stock transfer agent serve each Applicant, and since the Applicants have certain overlapping directors, the Applicants may be deemed to be under "common control" and, therefore, "affiliated persons" of each other within the meaning of Section 2(a)(3)(C) of the Act.

Applicants state that the merger is contingent upon: (1) Approval by the holders of at least 50 percent of the outstanding stock of Shares and Enterprise; (2) approval by the majority, as defined in the Act, of the stockholders of Income and of Capital Growth; (3) receipt of a ruling by the Internal Revenue Service or an opinion of counsel that the merger will constitute a tax-free reorganization; (4) issuance of the Order requested by the Application referred to herein; and (5) approval by necessary state and federal regulatory authorities.

Applicants state that it is proposed that Shares be merged with and into Enterprise and the separate existence of Shares cease pursuant to a Plan and Articles of Merger ("Plan") dated June 8, 1979, between Shares and Enterprise. The number of shares to be issued to the shareholders of Income and Capital Growth will be determined by dividing the aggregate net asset value of Income and Capital Growth by the per share net asset value of Enterprise, all to be determined as of the close of the New York Stock Exchange on the effective date of the merger, which is expected to be August 31, 1979. On the effective date of the merger, all of the property and assets of Income and Capital Growth will be transferred to Enterprise and their outstanding shares will be converted into shares of Enterprise. Enterprise will also succeed to all of the liabilities and obligations of Capital Growth and Income. The valuation procedures to be used in determining the net assets of each Applicant are the same. Each Applicant will pay its respective expenses of the merger, which are estimated to be approximately $52,000 for Income, $123,500 for Capital Growth, and $128,000 for Enterprise. No tax adjustment will be made to the net assets of either Applicant to reflect any potential income tax effect which might result from any differences in the proportionate amount of capital loss carryforwards of each Applicant because of the difficulty in predicting the potential use by Capital Growth or Income or by Enterprise of such loss carryforwards. Since the stockholders of both Income and Capital Growth are expected after the merger to own more than 20% of the outstanding shares of Enterprise, the entire amount of capital loss carryforward of Income and Capital Growth at the effective date of the merger should be available to Enterprise.

At any time prior to consummation of the merger the Board of Directors or President of either Applicant may waive any of the terms or conditions of the Plan benefiting such Applicant, if in the opinion of the Board of Directors or President such waiver will not have a material adverse effect on the benefits intended under the Plan to accrue to the stockholders of each Applicant. The number of shares of Enterprise received by each stockholder of Income and Capital Growth will promptly after the effective date of merger be registered on the books of Enterprise without any action being required on the part of any stockholder. Each such stockholder will be advised of the number of shares so registered. Holders of certificates for shares of Income or Capital Growth will immediately become owners of the appropriate number of shares of Enterprise, but no certificates will be issued until any outstanding Capital Growth or Income certificate is tendered to the transfer agent. If the registration with respect to any shares is to be changed, the stockholder will be responsible for any transfer taxes incurred, and must provide a signature guarantee on the instrument of transfer. All dividends and distributions paid on shares of the merged fund will be paid to the stockholder in cash or reinvested in shares of the merged fund in accordance with any option previously in effect, unless the stockholder furnishes different instructions to the transfer agent in writing.

Applicants also state although there are a number of variations in the investment restrictions of Enterprise, Capital Growth and Income none of such variations are considered by AGCM to be of material significance in the management of their portfolios. If the merger is consummated, the investment restrictions and policies of Enterprise will become the investment restrictions and policies of the merged fund. In addition, the application states

that in the opinion of AGCM, the pro-forma composition of the merged fund's portfolio is presently compatible with Enterprise's fundamental policies, objectives and investment restrictions. Therefore, no sales of securities in the portfolios of Capital Growth or Income will be required to conform those portfolios to the fundamental policies, objectives and restrictions of the merged fund. However, the application also states that because of differing investment strategies of the portfolio managers for the three separate funds there will be some realignment of the current Capital Growth and Income portfolios concurrent with the merger. The extent of such realignment will depend upon an appraisal of the fundamental attractiveness and compatibility with Enterprise's investment strategy (but not fundamental policies, objectives and restrictions) of the securities owned by Capital Growth and Income.

Applicants state that it is contemplated that most securities not considered compatible with Enterprises' investment strategy prior to the merger will be sold before the effective date of the merger.

Applicants state that Capital Growth is a plaintiff in several pending class actions involving a capital loss to Capital Growth of $2,128,538 in 1971 upon the sale of securities of Viatron Computer Corporation. A partial settlement has been reached with certain of the defendants whereby $1,850,000 will be paid to a settlement fund. Of this amount, $250,000 is required to be deposited in an escrow account for indemnification of the underwriter defendants against any loss or expense incurred by such underwriters as a result of claims asserted by the remaining defendants, and approximately $300,000 is expected to be allocated to pay certain past and future litigation expenses. The remaining $1,300,000 is expected to be allocated among all purchasers of Viatron securities between 1969 and 1971 who file claims for losses. A hearing pursuant to the notice of settlement is scheduled for August 15, 1979. All legal fees and expenses paid by Capital Growth (amounting to approximately $305,000) in prosecuting this litigation have been charged off and no amounts attributable to this litigation are included in the calculation of Capital Growth's net asset value. Applicants state that no prediction can be made of the amount Capital Growth may ultimately receive from the settlement because the settlement agreement and the amount provided therein are subject to judicial approval upon hearing after notice to class members, because the amount of the settlement fund which is allocable to Capital Growth depends upon the amount of the allowed claims filed by other members of the class and because of the possibility of a claim by the settling defendants for indemnification as provided in the settlement.

If the merger is consummated, any amounts which would otherwise accrue to Capital Growth after the effective date as a result of the class actions will be paid to the merged fund. Thus, the merger will have the effect of diluting the benefit received by Capital Growth stockholders from any payments made following the merger. All legal fees incurred after the merger will be borne by all stockholders of the merged fund (Enterprise). If the merger is not consumpted, any recovery and all future legal expenses will accrue to and be borne by the Capital Growth Stockholders. Reimbursement of the legal fees and expenses which Capital Growth has incurred in prosecuting this litigation would be expected to be received out of any recovery which may be approved by the court.

The application states that the Board of Directors of Shares specifically considered the Viatron litigation and the dilution which would result from the merger in Captial Growth's interest in any recovery realized after the effective date of the merger. The Board, after weighing the benefits of the merger and taking into account the probable delays and the speculative nature of any recoveries as well as the difficulty of determining Capital Growth's share of any interim settlement, should it be approved and upheld on appeal, concluded in its business judgment that, after taking into account such potential dilution, the merger was in the best interests of stockholders of Capital Growth.

Applicants state that the investment objective of Income varies from that of Capital Growth and Enterprise in that the latter emphasize growth of capital whereas Income seeks primarily high current income, and secondarily long-term growth of capital and income. Depsite the Income portfolio's higher percentage of debt securities and preferred stock, it is the opinion of Applicants' investment adviser that the portfoilo is not incompatible with the investment objectives and restrictions or the portfolio as of February 28, 1979, of Enterprise. Applicants state, nevertheless, that for those stockholders of Income who wish to retain their investment in a mutual fund which seeks an income or a combined income and growth objective there will be afforded an opportunity to exchange their Enterprise stock for stock of American General Capital Bond Fund, Inc. ("Capital Bond") or Harbor Fund, Inc. ("Harbor"). This exchange privilege may be exercised without payment of the normal $5 charge for such exchanges or any sales charge. Capital Bond and Harbor pursue an income and a growth and income investment objective, respectively. Such an exchange would constitute a taxable transaction.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal knowingly to sell to or purchase from such investment company any security or other property subject to certain exceptions. Section 17(b) of the Act provides that the Commission may upon application, exempt a proposed transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

Applicants state that since the proposed merger may be deemed to involve the purchase and sale of securities and other property between affiliated registered investment companies, unless exempted, it may be deemed to violate Section 17(a) of the Act. Applicants represent that the terms of the proposed merger are reasonable and fair and do not involve overreaching on the part of any person concerned since the assets of Shares are being acquired by Enterprise in exchange for shares of Enterprise on the basis of their respective net asset values.

Applicants assert that consummation of the proposed merger is expected to benefit their stockholders through an overall reduction in operating expenses. This reduction will result primarily from the ability of the merged fund, through its larger size, to take advantage of breakpoints in the current investment advisory fee schedule. In addition, Applicants claim that the proposed merger will eliminate certain operating expenses which would be duplicative in absence of the merger. Finally, Applicants state that the distributor of Enterprise, Capital Growth, and Income believes that the merger could result in

improved marketability of the shares of the merged fund as compared to individual experience of the three separate funds.

Notice is further given that any interested person may, not later than August 7, 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 reasons 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 Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22385 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-437]

Beech Creek Railroad Co. et. al.; Application and Opportunity for Hearing

July 13, 1979.

In the matter of Beech Creek Railroad Company; Cleveland, Cincinnati, Chicago and St. Louis Railway Company; Cleveland and Pittsburgh Railway Company; Michigan Central Railroad Company; Northern Central Railway Company; Philadelphia, Baltimore and Washington Railroad Company; Pittsburgh, Fort Wayne and Chicago Railway Company; Pittsburgh, Youngstown and Ashtabula Railway Company; and United New Jersey Railroad and Canal Company File No. 81–437, Securities Exchange Act of 1934 Section 12(h).

Notice if hereby given that Beech Creek Railroad Company; Cleveland, Cincinnati, Chicago and St. Louis Railway Company; Cleveland and Pittsburgh Railway Company; Michigan Central Railroad Company; Northern Central Railway Company; Philadelphia, Baltimore and Washington Railroad Company; Pittsburgh, Fort Wayne and Chicago Railway Company; Pittsburgh, Youngstown and Ashtabula Railway Company; and United New Jersey Railroad and Canal Company (the "Applicants") have filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") seeking an exemption from the requirement to file reports pursuant to Section 13 of the 1934 Act.

The Applicants state, in part: 1. The Applicants are subject to the reporting provisions of Section 13 of the 1934 Act.

2. The Applicants, which were organized as railroad corporations, leased all of their rail properties to the Penn Central Transportation Company ("PCTC").

3. On June 21, 1970, PCTC entered reorganization proceedings and discontinued rental payments to the Applicants. In 1973, the Applicants also filed for reorganization.

4. On March 17, 1978, the Reorganization Court approved a plan of reorganization for PCTC and each of the Applicants (the "Plan") and directed that it be submitted to the creditors, claimants and stockholders of each class entitled to vote thereon.

5. The Plan was approved by all classes entitled to vote except for three classes of stock of one Applicant (Pittsburgh, Fort Wayne and Chicago Railway Company), with respect to which the Reorganization Court found that the Plan made adequate provisions for their fair and equitable treatment.

6. On October 24, 1978, the Applicants became wholly-owned subsidiaries of The Penn Central Corporation (the new name of reorganized PCTC) and the former public bondholders and stockholders of the Applicants became bondholders and stockholders of The Penn Central Corporation.

In the absence of an exemption, the Applicants are required to file pursuant to Section 13 of the 1934 Act and the rules thereunder, quarterly reports on Form 10–Q for the period ended September 30, 1978. Applicants believe that their request for an order exempting them form the provisions of Section 13 of the 1934 Act is appropriate, in view of the fact that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20005.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be address: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 79-22327 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-536]

EDP Marketing Corp.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that EDP Marketing Corporation ("Applicant") has filed and application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the reporting requirements of Section 15(d) of the 1934 Act.

The Application states in part:

(1) The Applicant is a New York corporation subject to the reporting provisions of Section 15(d) of the 1934 Act.

(2) The Applicant is a wholly-owned subsidiary of Greyhound Computer Corporation.

(3) As a result of a merger Applicant became a wholly-owned subsidiary of Greyhound Computer Corporation on April 27, 1979.

(4) On August 30, 1978, Applicant filed with the Commission a Certification Pursuant to Rule 12g–4 with respect to its common stock and its common stock purchase warrants expiring May 1, 1979, advising the Commission that each such security was held of record by less than 300 holders.

(5) On or about May 3, 1979, Applicant filed with the Commission a Notice Pursuant to Rule 15d–6 in which Applicant reported the suspension of its duty to file reports pursuant to Section 15(d) of the Act.

In the absence of an exemption, Applicant is required to file with the Commission pursuant to Section 15(d) of the 1934 Act, an annual report on Form 10–K for the fiscal year ended April 30, 1979. Applicant argues that no useful purpose would be served in filing the required report.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22328 Filed 7–18–79; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–516]

Electronic Arrays, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Electronic Arrays, Inc. (the "Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states that as a result of a merger on December 6, 1978, it became an indirect wholly-owned subsidiary of Nippon Electric Co., Ltd., and all of its outstanding common stock was converted into the right to receive a cash payment of $5 per share.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22329 Filed 7–18–79; 8:45 am]

BILLING CODE 8010–01–M

[File No. 81–541]

Executone, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Executone ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Sections 13 and 15(d) of that Act.

The Applicant states, in part:

(1) On April 20, 1979, Applicant became a wholly-owned subsidiary of Continental Telephone Corporation ("Continental"). As a result of the merger, Applicant no longer has any public stockholders or debenture holders.

(2) Debentures and common stock of Executone were struck from listing and registration on the American Stock Exchange ("Exchange") effective March 2, 1979, and May 4, 1979, respectively, pursuant to application by the Exchange to this Commission.

In the absence of an exemption, Applicant would be required to file periodic reports for the year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate since it now has no publicly held stock or debentures.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to

whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22330 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-546]

Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Gardner-Denver Company ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "Act") for an order exempting Applicant from the provisions of Section 15(d) of that Act.

The Application states, in part:

1. On April 30, 1979 Applicant became a wholly-owned subsidiary of Cooper Industries, Inc. As a result of the merger, Applicant no longer has any public stockholders.

2. Applicant's stock has been removed from listing on the New York and Midwest Stock Exchanges.

In the absence of an exemption, Applicant would be required to file periodic reports for the year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Section 15(d) of the Act is appropriate inasmuch as it is now a wholly-owned subsidiary and has no publicly held common stock.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22331 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-476]

GI Toy Corp. (Successor in interest to Gabriel Industries, Inc.); Application and Opportunity for Hearing

July 13,1979.

Notice is hereby given that GI Toy Corp. (successor to Gabriel Industries, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") seeking an exemption from the requirement to file reports pursuant to Sections 13 and 15(d) of the Exchange Act.

The Applicant states, in part:

1. The Applicant is subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. On August 14, 1978, CBS (Del.) Inc. ("CBS (Del.)"), a Delaware corporation and an indirectly wholly-owned subsidiary of CBS, Inc. ("CBS"), a New York corporation, formed for the purpose of this transaction, was merged with and into Gabriel Industries, Inc. ("Gabriel") pursuant to an Agreement and Plan of Merger dated as of July 18, 1978, which was approved by the stockholders of Gabriel on August 14, 1978. Each share of the common stock of Gabriel outstanding on the effective date of the merger was (subject to the right of dissenting stockholders) converted into $17.90 in cash, and each share of the common stock of CBS (Del.) outstanding on the effective date was converted into one share of the common stock of Gabriel. As a result, GI Toy Corp., a wholly owned subsidiary of CBS and the sole stockholder of CBS (Del.), became the owner of 100% of the voting securities of Gabriel. Subsequently and on the same date, Gabriel was merged with and into GI Toy Corp., which thereby became the successor in interest to Gabriel.

In the absence of an exemption, Applicant is required to file pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an annual report on Form 10-K for its fiscal year ending December 31, 1978. Applicant believes that its request for an order exempting it from the provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant believes that the time, effort and expense involved in preparation of the additional annual reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20005.

Notice if further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exahange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request,and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22332 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01

[File No. 81-379]

Gracious Estates Properties, Ltd.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Gracious Estates Properties, Ltd. (the "Applicant"), an Iowa Limited Partnership, has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting the Applicant from the requirement pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations promulgated thereunder to file Part I of the quarterly report on Form 10-Q.

The Applicant, whose units are held by approximately 2,300 persons, is in the business of owning and operating two mobile home residential park facilities. It submits that the requested exemption should be granted for the following reasons:

1. There is no trading market for the Applicant's securities;

2. Limited Partners may sell or transfer their units only with the consent of the General partner;

3. Only a small number of units have been transferred;

4. The preparation of the report incurs expenses which are disproportionate to the benefits derived by Limited Partners; and

5. The ongoing business of the Applicant is not subject to material change.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exhange Commission, 1100 L Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22333 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-511]

Marathon Enterprises, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Marathon Enterprises, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the reporting requirements of Sections 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. Applicant is a New Jersey corporation subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. On February 23, 1979 Applicant became a wholly-owned subsidiary of Charmont Delaware, Inc. as the result of a merger.

3. There is only one holder of any class of Applicant's securities.

4. There is no trading in Applicant's securities.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Sections 13 and 15(d) of the 1934 Act.

The Applicant argues that no useful purpose would be served in filing such reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 7, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22334 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16019; File No. SR-NYSE-79-21]

New York Stock Exchange, Inc.; Self-Regulatory Organizations; 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 May 14, 1979, the above-mentioned self-regulatory orgnization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The amendment provides for an increase in Gratuity Fund death benefits from $20,000 to $100,000 and an increase of contributions from $15 to $75.

Purpose of Proposed Rule Change

The Gratuity Fund is designed to provide for families of deceased members of the New York Stock Exchange. The present gratuity payment of $20,000 was established in 1930. The proposed constitutional amendments are designed to increase this payment to $100,000, while at the same time increasing contributions from $15 to $75. The increases are designed to recognize the effects of inflation and still adequately provide for the families of deceased members.

Basis Under the Act

The proposed constitutional amendments are consistent with Section 6(b)(4) of the Act as follows:

(i) Inapplicable.

(ii) Inapplicable.

(iii) Inapplicable.

(iv) The constitiutional amendments provide for the equitable allocation of reasonable dues, fees, and other charges among the members of the Exchange.

(v) Inapplicable.

(vi) Inapplicable.

(vii) Inapplicable.

(viii) Inapplicable.

Comments Received From Members, Participants, or Others

Selected firms were asked to comment on the proposed increases. Comments were received from Donaldson, Lufkin & Jenrette Securities Corporation, Merrill Lynch & Co. Inc., and Smith Barney, Harris Upham & Co. Incorporated. These letters are attached as Exhibit II.

Burden on Competition

There will be no burden on competition.

Basis for Rule Change Being Put Into Effect Pursuant to Section 19(b)(3)

In accordance with Section 19(b)(3)(A)(ii) the proposed amendments take effect immediately, as they change a due, fee, or other charge imposed by the New York Stock Exchange, Inc.

At any time within sixty days of the date of filing of these proposed rule changes, the Commission summarily may abrogate the change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments covering the foregoing. Persons desiring to make writtem submissions should file six 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, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal offices 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 9, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

July 12, 1979.

[FR Doc. 79-22337 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-543]

Scholl, Inc.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Scholl, Inc. (the "Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting it from the periodic reporting requirements under Section 15(d) of the 1934 Act.

The Applicant states:

(1) On April 2, 1979, Applicant became a wholly-owned subsidiary of Schering-Plough Corporation. As a result of the merger, Applicant no longer has any public security holders.

(2) The merger was approved by the stockholders of the Applicant at a special meeting held on March 19, 1979, proxies for which were solicited in accordance with the requirements of Regulation 14A under the 1934 Act.

(3) Applicant has filed a report on Form 8-K reporting consummation of this merger.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person no later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22335 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-460]

Wasko Gold Products Corp.; Application and Opportunity for Hearing

July 13, 1979.

Notice is hereby given that Wasko Gold Products Corp. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from the provisions of Sections 13 and 15(d) of that Act.

The Application states, in part:

1. On January 16, 1979, Roneu Jewlers, Inc. purchased shares of the Applicant's common stock in an amount which, when combined with the shares acquired by it through a subsequent tender offer gave it 99% ownership of the Applicant's outstanding common shares.

2. As a result of these acquisitions the number of shareholders of the Applicant was reduced to approximately 61 persons.

3. Applicant's registration under Section 12(g) of the 1934 Act terminated on June 29, 1979.

In the absence of an exemption, Applicant would be required to file a report on Form 10-Q for the period ended June 30, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate since its common stock is no longer actively traded in the over-the-counter market and the time, effort and expense involved in preparation of the report would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than August 7, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capital Street, N.W., Washington, D.C. 20549, and should state briefly the

nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22336 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10779; 812-4488]

Webster Cash Reserve Fund, Inc.; Filing of an Application for an Order of Exemption

July 13, 1979.

Notice is hereby given that Webster Cash Reserve Fund, Inc. ("Applicant"), 10 Hanover Square, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 6, 1979, and an amendment thereto on July 5, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares to the nearest one cent on a share value of one dollar using a time other than as of the close of trading on the New York Stock Exchange ("Stock Exchange"). Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). 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 represents that it registered under the Act on June 5, 1979, as a "money market" fund designed as an investment vehicle for investors who desire to place their assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. To this end, Applicant seeks to provide such investors with a convenient means of investing short-term funds where the direct purchase of money market instruments may be undesirable or impracticable. Applicant further represents that its portfolio will be invested exclusively in a variety of short-term money market instruments consisting of securities issued or guaranteed as to principal and interest by the United States Government, its agencies or instrumentalities; certificates of deposit, including those issued by U.S. banks (or a foreign branch thereof) and savings and loan and similar associations; high-grade commercial paper; and repurchase agreements. According to the application all investments by the Applicant will be limited to obligations maturing within one year from the date of acquisition, and the average maturity of all such investments (on a dollar weighted basis) will be 120 days or less.

According to the application, Applicant proposes to determine its net asset value, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar and to the extent reasonably practicable to take steps to maintain this price. Applicant further proposes to determine its net asset value using a time other than the close of trading on the Stock Exchange. In this regard, Applicant represents that prior to the commencement of Applicant's operations, the board of directors of Applicant, including a majority of the directors who are not interested persons of Applicant, will have determined that it is appropriate to compute Applicant's net asset value per share for purposes of effecting sales, redemptions and repurchases of it shares, solely as of 12:00 Noon, New York time, and to require that notice of intent to purchase, redeem or repurchase shares of Applicant must be given prior to 12:00 Noon, New York time, in order for such purchases, redemptions and repurchases to be effected on the same day. Applicant further represents that such determination by its board of directors described above will be reviewed no less frequently than annually.

Rule 22c–1 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 such 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 closing on such exchange. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for porfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. 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 fund's proper protfolio valuation as required by Rule 2a–4. On the basis of the foregoing, Applicant requests an exemption from the provisions of Rule 2a–4 and 22c–1 under the Act, to permit Applicant to determine its net asset value in the manner and at the time set forth above.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon applications, 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 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.

In support of the relief requested, Applicant states that many of its investors desire an investment vehicle which offers a stable net asset value per share and a relatively constant return on their investments. According to the application, the exemptive relief requested will enable the Applicant to achieve these objectives. Applicant further believes that many of its existing shareholders would seek other investment alternatives if such investors could not expect under ordinary circumstances that Applicant's shares could be purchased and redeemed at a constant net asset value per share.

With respect to Applicant's proposal to determine its net asset value solely as of 12:00 Noon, New York time, rather than as of the close of trading on the Stock Exchange, Applicant represents, that this policy, coupled with the requirement that notice of intent to purchase, redeem or repurchase its shares must be given prior to 12:00 Noon, New York time, in order for such purchases, redemptions or repurchases to be effected on the same day as requested, will aid in the effective management of its portfolio. In this regard, Applicant states that, in order to make investments which will immediately generate income, Applicant must have federal funds available to it. Thus, Applicant will accept orders for the purchase of its shares only when it has received federal funds on the purchase date. According to the application, the earlier in the day that Applicant is aware of cash available for investment through net purchases of its shares, the more time Applicant has to analyze the available investment alternatives and secure the most attractive and beneficial terms.

According to the application, Applicant further proposes to pay its daily dividend of net income to shareholders of record as of 12:00 Noon, New York time (including shares purchased but excluding shares redeemed on that day). In view of the above and the fact that Applicant's portfolio securities will not be listed on any stock exchange, the Management of Applicant can perceive no benefit to shareholders in computing Applicant's net asset value for a second time as of the close of trading on the Stock Exchange, aside from technical compliance with Rule 22c–1. According to the application, purchasers of Applicant's shares would not receive the dividend declared on the day of purchase if their shares were purchased at net asset value determined as of the close of trading on the Stock Exchange, nor would stockholders redeeming their shares at that time receive the proceeds of redemption on the same day. Applicant further asserts that opportunities for dilution of the value of its outstanding securities will not be present if the requested exemption permitting Applicant to compute its net asset value solely as of 12:00 Noon, New York time, is granted.

Applicant submits that the exemptions it requests are 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 has further agreed that the following conditions may be imposed in any order granting the exemptions it has requested:

1. Applicant states that it will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that it will not (i) purchase an instrument with a remaining maturity of greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days;

2. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from one dollar.

3. Applicant states that it will effect a policy that its portfolio will be invested exclusively in a variety of short-term money market instruments consisting of securities issued or guaranteed as to interest and principal by the U.S. Government or its agencies or instrumentalities; certificates of deposit, including those issued by U.S. banks (foreign branches thereof) and savings and loan and similar associations; and high grade commercial paper. Applicant further states that all commercial paper and certificates of deposit purchased by it shall meet the following criteria at the time of purchase: Investments in bank certificates of deposit and bankers' acceptance will be limited to banks and savings and loan and similar associations having total assets in excess of one billion dollars; and the commercial paper purchased by Applicant will consist only of obligations (a) rated Prime–1 by Moody's Investors Service, Inc. ("Moody's") or A–1 by Standard & Poor's Corporation ("Standard & Poor's"), or (b) issued by companies having an outstanding unsecured debt issue currently rated Aa or better by Moody's or AA or better by Standard & Poor's. Applicant will also invest in repurchase agreements pertaining to the foregoing classes of money market instruments provided such agreements are limited to transactions with financial institutions believed by Applicant's investment adviser to provide minimal credit risks.

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 reasons 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22384 Filed 7-18-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 79-103]

Renewal of the Rules of the Road Advisory Committee

This is to give notice pursuant to the Federal Advisory Committee Act, Public Law 92-463, approved October 6, 1972, that the Rules of the Road Advisory Committee has been renewed by the Secretary of Transportation commencing July 1, 1979.

The Rules of the Road Advisory Committee was established pursuant to the Secretarial Directive dated May 4, 1949, to provide advice and consultation to the Marine Safety Council of the U.S. Coast Guard with respect to matters affecting the Rules of the Road.

The committee is composed of approximately 20 members who possess expertise in navigation rules, common maritime practices, and problems relating to the four sets of the Rules of the Road. The present efforts of the committee are directed towards the unification of present Inland, Western Rivers, and Great Lakes Rules to comply with the mandate of rule 1(b) of the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Interested persons may seek additional information by writing: Commandant (G-WLE), U.S. Coast Guard, Washington, D.C. 20590, or by calling (202) 426-4958.

Dated: July 11, 1979.

L. L. Zumstein,

Rear Admiral, U.S. Coast Guard, Chief, Office of Public and International Affairs.

[FR Doc. 79-22400 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held August 21 through 23, 1979, Air Transport Association of America, Conference Room A, 5th Floor, 1709 New York Avenue, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting held May 23 through 25, 1979; (3) Report on FAA Microwave Landing System Program; (4) Report on European Organization for Civil Aviation Electronics (EUROCAE) Working Group 19 Activities; (5) Report on status of SC-139 Working Groups Activities; (6) Coordination of Working Group Reports; (7) Working Groups Meet in Separate Sessions; (8) Committee Closing Plenary Session; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on July 13, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-22293 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

Materials Transportation Bureau

Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes August 20, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New Application

Application No.	Applicant	Regulation(s) affected	Nature of Application
8229-N	Atlas Powder Co., Dallas, Tex	49 CFR 172.504	To authorize the transport vehicle containing combined shipments of nitro carbo nitrate (oxidizer) and blasting agent, n.o.s. (blasting agent) to be placarded as blasting agent only.
8230-N	G. Frederick Smith Chemical Co., Columbus, Ohio	49 CFR 173.263(a)(26), 173.268(b)(6), 173.269(a)(4),173.272(1)(3).	To authorize shipment of certain oxidizers and corrosive liquids in FEP teflon bottles of 8 oz. and 1 pt. capacity, tightly packed in DOT specification 33A cases, which cases are overpacked not to exceed twelve per outside packaging.
8231-N	ANF Industries, Paris, France	49 CFR 173.315	To authorize shipment of certain compressed gases (refrigerants) in non-DOT specification IMCO type 5 portable tanks.
8232-N	ANF Industries, Paris France	49 CFR 173.315	To authorize shipment of certain flammable and non-flammable compressed gases in non-DOT specification IMCO type 5 portable tanks.
8233-N	National Aeronautics and Space Admn., Greenbelt, Md.	49 CFR 173.304	To authorize shipment of propane in unmarked, non-DOT specification cylinders, similar to DOT specification 4E without a safety relief valve.
8234-N	G. Magyar S.A., Dijon, France	49 CFR Part 173, Subparts D, F, H, and J.	To authorize shipment of various flammable, corrosive, and poisonous liquids and ORM A materials, in non-DOT specification IMCO type 1 portable tanks.
8235-N	Mobay Chemical Corp., Pittsburgh, Pa	49 CFR 173.346	To authorize shipment of certain poisonous liquids, class B, in non-DOT specification portable tanks.

New Application

Application No.	Applicant	Regulation(s) affected	Nature of Application
8236-N	Ford Motor Co., Dearborn, Mich	49 CFR Parts 171 thru 178	To qualify a passive restraint system containing class B explosives as a non-regulated material.
8237-N	Sanders Associates, Inc., Nashua, N.H	49 CFR 172.101, 173.102, and 175.3.	To authorize shipment of a Rapidly Deployable Surveillance System (RDSS) composed of several lithium batteries and a DOT Specification 3HT cylinder charged with nitrogen.

This notice of receipt of applications for new exemptions is pubished in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on July 10, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-22373 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes August 3, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Application No., Applicant and Renewal of Exemption

2709-X, U.S. Department of the Army, Washington, D.C.—2709.
3121-X, U.S. Department of the Army, Washington, D.C.—3121.
3415-X, U.S. Department of the Army, Washington, D.C.—3415.
3600-X, U.S. Department of the Army, Washington, D.C.—3600.
4262-X, Schlumberger Well Services, Houston, Tex.—4262.
4459-X, American Life Support Corp., Cambridge, Md.—4459.
4719-X, Allied Chemical Corporation, Morristown, N.J.—4719.
5022-X, National Aeronautics and Space Admn., Washington, D.C.—5022.
5179-X, Union Carbide Corporation, Tarrytown, N.Y.—5179.
5248-X, Static Control Systems/3M, St. Paul, Minn.—5248.
5600-X, Ozark-Mahoning Company, Tulsa, Okla.—5600.
5600-X, Amoco Oil Company, Whiting, Ind.—5600.
5746-X, U.S. Department of the Army, Washington, D.C.—5746.
5767-X, Chemed Corporation, Cincinnati, Ohio—5767.
5777-X, U.S. Department of the Army, Washington, D.C.—5777.
5876-X, FMC Corporation, Philadelphia, Pa.—5876.
5945-X, Air Products and Chemicals, Inc., Allentown, Pa.—5945.
6122-X, Pennwalt Corporation, Buffalo, N.Y.—6122.
6253-X, Contrans, Hamburg, Germany—6253
6267-X, Coastal Industries, Inc., Carlstadt, N.J.—6267
6477-X, E. I. Du Pont de Nemours & Company, Wilmington, Del.—6477
6658-X, U.S. Department of Energy, Washington, D.C.—6658
6759-X, IMC Chemical Group, Inc., Allentown, Pa.—6759
6759-X, E. I. Du Pont de Nemours & Company, Wilmington, Del.—6759
6759-X, Hercules Incorporated, Wilmington, Del.—6759
6826-X, Atlantic Research Corporation, Gainesville, Va.—6826
6978-X, Liquid Energy Corporation, The Woodlands, Tex.—6978
7001-X, Clegg Corporation, Jacksonville, Fla.—7001
7035-X, Owens-Illinois, Inc., Toledo, Ohio—7035
7052-X, Mallory Battery Company, Tarrytown, N.Y.[1]—7052
7097-X, Plant Products Corporation, Vero Beach, Fla.—7097.
7820-X, Compagnie des Containers Reservoirs, Neuilley-Sur-Seine, France—7820.
7886-X, W. M. Barr & Company, Memphis, Tenn.[2]—7886.
7925-X, A/S Cheminova, Lemvig, Denmark [3]—7925
7944-X, Dow Chemical Co., Houston, Tex.[4]—7944
8005-X, Hugonnet S.A., Paris, France—8005
8012-X, Compagnie des Containers Reservoirs, Neuilley-Sur-Seine, France—8012
8012-X, Bignier Schmid-Laurent, Ivry Sur Seine, France—8012
8037-X, Mauser Packaging, Ltd., New York, N.Y.[5]—8037
6763-P, Hill Brothers Chemical Co., City of Industry, Calif.—6763.
6902-P, Synthatron Corporation, Parsippany, N.J.—6902.
6939-P, Allied Chemical Corporation, Morristown, N.J.—6939.
7023-P, Texas Instruments, Incorporated, Dallas, Tex.—7023.
7052-P, Industrial Solid State Controls, Inc., York, Pa.—7052.
7526-P, Sherex Chemical Company, Inc., Dublin, Ohio—7526.
7607-P, Gulf Science and Technology Co., Pittsburgh, Pa.—7607.
7820-P, Transport International Containers S.A., Paris, France—7820.
7857-P, Ramat Hovav Ltd., Beer Sheva, Israel—7857.
7983-P, Sanyo Electric Co., Ltd., Osaka, Japan—7983.

[1] To authorize increase of lithium from 5 grams per cell to 10 grams, remove restrictions of one battery to each inner box, and increase the size of each cell from 4 cubic inches to 10 cubic inches.

[2] To authorize cargo vessel as an additional mode of transportation.

[3] To provide for a portable tank identical to those presently authorized except for lining and use of insulation.

[4] To authorize modification to portable tank framework on model D-912 and to add new portable tank model D-916 with 4,000 gallon capacity for shipment of various flammable, combustibles, and corrosives.

[5] To authorize use of fiber drums having steel tops and bottoms in addition to the presently authorized drums with plywood tops and bottoms, for shipment of nitrocellulose, wet.

8005–P, G. Hartig, K.G., Mannheim, Germany—8005.
8060–P, SLEMI, Paris, France—8060.
8190–P, Stauffer Chemical Company, Westport, Conn.—8190.
8231–P, Societe Auxiliaire de Transports et d'Industries, Paris, France—8231.
8231–P, G.R.P. Cisterne S.A. Chiasso, Chiasso, Switzerland—8231.
8231–P, Eurotainer, Paris, France—8231.
8231–P, Compagnie Des Containers Reservoirs, Neuilley-sur-Seine, France—8231.
8231–P, General Container Service, Chiasso, Switzerland—8231.
8232–P, G.R.P. Cisterne S.A. Chiasso, Chiasso, Switzerland—8232.
8232–P, Societe Auxiliaire de Transports et d'Industries, Paris, France—8232.
8232–P, Eurotainer, Paris, France—8232.
8232–P, Compagnie Des Containers Reservoirs, Neuilley-sur-Seine, France—8232.
8232–P, General Container Service, Chiasso, Switzerland—8232.
8236–P, Talley Industries, Inc., Mesa, Ariz.—8236.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on July 10, 1979.

Douglas A. Crockett,

Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-22372 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-60-M

St. Lawrence Seaway Development Corporation

Advisory Board; Change of Meeting Location and Time

The meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation originally scheduled for 11:00 a.m., July 26, 1979, O'Hare Hilton, adjacent to O'Hare Airport, Chicago, Illinois, has been rescheduled for 2:00 p.m. at the offices of the Seaway Corporation at 800 Independence Avenue, SW., Washington, D.C., on the same date.

In all other respects the notice which appeared at page 40756 of the **Federal Register** of July 12, 1979, remain in effect.

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

D. W. Oberlin,

Administrator.

[FR Doc. 79-21999 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Customs Service

Privacy Act of 1974; Automated Index to Central Enforcement Files

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final notice, new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, this notice is to advise the public that the United States Customs Service is implementing a new system of records—the Automated Index to Central Enforcement Files—Treasury/Customs 00.285. The system consists of an index of reports (both regulatory and criminal) and correspondence relating to individuals in the Treasury Enforcement Communications System (TECS).

In March 1975, the Central Files of the Information Management Division began microfiching all incoming enforcement documents and materials which support a TECS record. The microfiched records of all documents are sequentially located in the microfiche files. The Central Files Index indicates the particular frame of a fiche where the document can be found.

The system is designed to provide users with all inclusive index to all enforement information related to a given subject. The subject may be a person, vehicle, vessel, aircraft, business, identifying number, or investigation case number. One query of the Central Index will furnish the user seeking information on a particular subject with the location of all relevant document in the microfiche files.

The Automated Index to Central Enforcement Files is to function like the card catalog in a library. Its objective is to provide users with a single index to all enforcement information, regardless of source, associated with an identified subject.

EFFECTIVE DATE: This system is effective July 19, 1979. Also see the rule appearing under the Rules and Regulations section of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Russell Berger, Entry Procedures and Penalties Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202–566–8681).

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Privacy Act of 1974, Customs published a notice of the proposed system of records and the proposed rule in the **Federal Register,** 44 FR 15825 (March 15, 1979) and 44 FR 16941 (March 20, 1979), respectively, proposing to implement the Automated Index to Central Enforcement Files. No comments were received from the public regarding the documents, nor were comments received from the Office of Management and Budget, the Senate, or the House of Representatives on the reports sent to them.

DRAFTING INFORMATION: The principal author of this document was Russell Berger, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and of style.

Dated: July 9, 1979.

W. J. McDonald,

Assistant Secretary (Administration).

Treasury/Customs 00.285

SYSTEM NAME:

Automated Index to Central Enforcement Files.

SYSTEM LOCATION:

Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and /or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the U.S. (5) Individuals filing official U.S. Government forms 4790 (Currency and Monetary Instruments Reporting), 4789 (Currency Transaction Report), 90.22–1 (Foreign Banking Act Report).

CATEGORIES OF RECORDS IN THE SYSTEM:

A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Currency and Monetary Instrument Reports, Currency Transaction Reports, reports on Foreign Banking transactions, reports on Fines, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations, investigation Program Analyst (IPA) reports relating to an individual, various other correspondence (letter, memoranda, etc.), which related to an individual in the Treasury Enforcement Communications System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Treasury Department Order No. 165, revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C. 1431; 19 U.S.C. 1624; 19 U.S.C. 66; 31 CFR 103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. (b) Disclosure required in administration of the Freedom of Information act (5 U.S.C. 552). (c) To provide management statistics associated with arrests or seizures. (d) Used by Customs to identify high theft areas, types of cargo must likely to be pilfered or stolen, to connect seemingly unrelated Customs thefts cases and to provide management information such as the value and volume of goods stolen from international shipping. (e) To determine effective allocation of resources for surveillance and search operations by consideration of past violations and selective intelligence information. For additional information see Appendix AA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape, microfiche.

RETRIEVABILITY:

Name, personal identification numbers, Customs case number, document's central file number.

SAFEGUARDS:

(1) All Central Files users must have a full field background investigation. (2) The "need to know" principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all office of Investigations terminals and all Office of Enforcement Support Headquarters and San Diego terminals.

RETENTION AND DISPOSAL:

Records will be maintained in the Automated Index to Central Enforcement files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning or shredding the microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Commissioner of Customs pursuant to 5 U.S.C. 552a(j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a.

[FR Doc. 79-22381 Filed 7-18-79; 8:45 am]

BILLING CODE 4810-21-M

VETERANS ADMINISTRATION

New Medical Center, Camden, N.J.; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Veterans Administration Medical Center, Camden, New Jersey," dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

The preferred location of the medical center is a 10.5±acre site in downtown Camden near the Cooper Medical Center. The Veterans Administration Medical Center will have, as a maximum, 360 hospital beds, 120 nursing home care beds and the necessary outpatient and support functions.

The Final Statement discusses the environmental impact of the New Medical Center at the preferred location and evaluates this and other alternatives including "No Action". In addition, this document contains comments and responses to the Draft Impact Statement. The impact statement is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Single copies of the Final Environmental Impact Statement may be obtained on request to the above office.

Dated: July 13, 1979.

By direction of the Administrator.

Maury S. Cralle' Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-22392 Filed 7-18-79; 8:45 am]

BILLING CODE 8320-01-M

National Cemetery, Federal Region IV; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Veterans Administration National Cemetery, Federal Region IV," dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

This final Environmental Impact Statement evaluates the adverse and beneficial effects of creating a new National Cemetery in Federal Region IV. For each of three alternative sites—Fort Gillem, Georgia, Fort Mitchell, Alabama, and Fort Jackson, South Carolina—eleven categories of economic, social and physical environmental effects are examined and compared with existing conditions. For each site and for each category of impact, measures to mitigate impacts are described. Alternatives to these sites are discussed as is the no-action alternative. Significant comments received by the Veterans Administration during the 45-day public review period are included, each followed by an appropriate response. Factual corrections have been made to the text of the EIS based on comments received. Finally, a list of preparers, bibliography and index to available appending materials is provided.

The document is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Single copies of the Final Statement may be obtained on request to the above office.

Dated: July 16, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-22393 Filed 7-18-79; 8:45 am]

BILLING CODE 8320-01-M

National Cemetery, Federal Region V; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Veterans Administration National Cemetery, Federal Region V," dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

Two alternative sites, both on the General Services Administration's list of excess Federal lands, were analyzed in the draft Environmental Impact Statement (March 1979) for potential environmental impacts resulting from development as a National Cemetery. An analysis of the Veterans Administration's preferred site at Fort Custer in South Central Michigan indicated no significant impact as a result of the proposed action. An analysis of the alternative site at Plumbrook, near Sandusky in north central Ohio, indicated that the adverse environmental impacts primarily related to groundwater conditions would make this site environmentally less preferable.

The final Environmental Impact Statement contains the comments received on the draft and responses to those comments as well as a final summary of impacts expected at the environmentally preferred alternative site, Fort Custer, Michigan.

The document is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420 (202–389–2526). Single copies of the Final Statement may be obtained on request to the above office.

Dated: July 16, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-22394 Filed 7-18-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 110]

Assignment of Hearings

July 16, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107021 (Sub-328F), North American Van Lines, Inc. Transf to modified procedures.

MC 115826 (Sub-365F), W. J. Digby, Inc., Tranf to Modified Procedures.

MC 93649 (Sub-26F), Gaines Motor Lines, Inc., now assigned for hearing on September 17, 1979 (5 days), at New York, NY, in a hearing room to be later designated.

MC 96992 (Sub-13F), Highway Pipeline Trucking Co., transferred to modified procedures.

MC 143621 (Sub-4F), Tennessee Steel Haulers, Inc., now assigned for hearing on July 30, 1979 (2 days), at Nashville, TN, is canceled and application dismissed.

MC 41581 (Sub-1F), Wagner Tours, Inc., now being assigned for hearing on September 17, 1979 (1 week), at Newark, NJ, in a hearing room to be designated later.

MC 119632 (Sub-83F), Reed Lines, Inc., now being assigned for hearing on September 24, 1979 (2 days), at New York, NY in a hearing room to be designated later.

MC 146119 F, Winstor Coach Corp., now being assigned for hearing on September 26, 1979 (3 days), at New York, NY in a hearing room to be designated later.

MC 59135 (Sub-38F), Red Star Express Lines of Auburn Inc., now being assigned for hearing on October 10, 1979 (3 days), at Albany, NY in a hearing room to be designated later.

MC 172 (Sub-9F), Robert E. Wade., now being assigned for hearing on October 15, 1979 (1 week), at Albany, NY in a hearing room to be designated later.

MC 114211 (Sub-379F), Warren Transport, Inc., transferred to Modified Procedure.

MC 108341 (Sub-124F), Moss Trucking Company, Inc., transferred to Modified Procedure.

MC 108119 (Sub-121F), E. L. Murphy Trucking Company., now being assigned for hearing on October 9, 1979 (1 day), at Birmingham, AL in a hearing room to be designated later.

MC 114334 (Sub-41F), Builders Transportation Company, now being assigned for hearing on October 10, 1979 (3 days), at Birmingham, AL in a hearing room to be designated later.

MC 145794 (Sub-1F), Ards Trucking Company, Inc., now being assigned for hearing on October 15, 1979 (1 day), at Atlanta GA in a hearing room to be designated later.

MC 116254 (Sub-230F), Chem-Haulers, Inc., now being assigned for hearing on October 16, 1979 (1 day), at Atlanta GA in a hearing room to be designated later.

MC 118831 (Sub-165F), Central Transport, Inc., now being assigned for hearing on October 17, 1979 (3 days), at Atlanta GA in a hearing room to be designated later.

MC 1515 (Sub-258F), Greyhound Lines, Inc., now being assigned for hearing on October 31, 1979 (3 days), at Tallahassee, FL continued to November 5, 1979 (2 days), at Albany, GA. and November 8, 1979 (2 days) at Columbus, GA in a hearing room to be designated later.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22376 Filed 7-18-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Applications for Relief

July 16, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43719, Southwestern Freight Bureau, Agent No. B–10, petroleum oil, in tank carloads, from Baytown, Tex. to Institute, W. Va., in supp. 152 to its Tariff ICC SWFB 4684, effective August 18, 1979. Grounds for relief—market competition.

FSA No. 43720, Seaspeed Services No. 6, intermodal rates on general commodities, in containers, from ports on the Mediterranean Sea to rail terminals on the United States Gulf and Pacific Coasts by way of interchange points on the United States Atlantic Coast, in its Tariff ICC SSPU 301, FMC No. 8, effective August 10, 1979. Grounds for relief-water competition.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22375 Filed 7-18-79; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29078]

Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Request for Expedited Handling of Abandonment

AGENCY: Interstate Commerce Commission.

ACTION: Proposed establishment of expedited abandonment procedure.

SUMMARY: The Trustee in Reorganization for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) has notified the Commission that on or about August 8, 1979, he intends to submit an abandonment application embracing all of the railroad's lines west of Miles City,

MT. The Trustee has requested expedited handling of the application. Because of the MILW's critical financial position, the Commission proposes to establish an expedited procedure to decide the anticipated application within 155 days after filing.

DATE: Comments to the proposed procedure should be filed no later than August 7, 1979.

ADDRESS: An original and 12 copies of comments should be sent to: Office of Proceedings, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave. NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Michael Brenberg, 202–275–7245.

SUPPLEMENTARY INFORMATION: On June 27, 1979, Stanley E. G. Hillman, Trustee in Reorganization for the MILW, submitted a supplemental waiver petition and request for expedited handling in Docket No. AB–7 (Sub-No. 86F), *Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Abandonment—Portions of Pacific Coast Extension in Montana, Idaho, Washington, and Oregon.* We do not normally entertain comments to petitions for waiver of our regulations governing the filing of applications. In very important cases (such as this one) we do sometimes publish the petition and receive comments. But the need for expedited action here, in view of the MILW's position, precludes such action. Instead, the waiver petitions are being treated in the abandonment proceeding. Briefly, the waiver requests relate to (a) the base period for accounting and traffic data; (b) the category 1 (vis-a-vis category 2) distinction provided in 49 CFR § 1121.23(d)(1978); (c) the notice timing as set forth in 49 CFR § 1121.30(b)(1978); and (d) certain informational requirements contained in the abandonment, energy, and environmental reporting requirements. Any party to the abandonment proceeding contemplated by the waiver petition may, after the application is filed and upon showing good cause, request the submission of additional information.

Unlike the waiver petition, the request for expedited handling involves departure from our standard evidentiary and decisional processing of abandonment applications. We believe that an agency can establish its own procedures without providing an opportunity for comment. We also believe that in this particular instance we should solicit public reaction to the proposal.

The application now anticipated in Docket No. AB–7 (Sub-No. 86F) would seek authority for abandonment of all MILW lines west of Miles City, MT. That application would be the first of several large-scale abandonment proposals for lines outside what the MILW now calls its "Miles City Sub Core," *i.e.*, those lines west of Miles City, and generally south and west of LaCrosse, WI and Davis Junction, IL. The MILW has suggested the following timetable for disposition of the proceeding in Docket No. AB–7 (Sub-No. 86F):

August 8, Application filed.
August 9, Investigation instituted.
August 22, Application accepted.
September 12, Protests due. Draft environmental impact statement issued.
September 24, Hearings commence.
October 26, Hearings conclude.
November 12, Briefs due.
November 27, Reply briefs due.
December 24, Administratively final decision issued.

Recognizing the extraordinary strain the schedule would place upon Commission resources, the MILW has indicated that it will cooperate fully in lessening the burden.

Background

On April 23, 1979, the Trustee petitioned the United States District Court for the Northern District of Illinois for an order directing partial embargo of freight operations. The Trustee indicated that the railroad did not have sufficient cash available to continue service over its entire system. He had determined that a "core" MILW system could continue to operate for the foreseeable future, however, and that the truncated system would have the greatest possibility for economic viability within a reasonable time.

By order No. 158A, entered June 1, 1979, the Reorganization Court denied the Trustee's request, finding that it was without authority to enter such an order. Determining that the requested embargo would constitute a *de facto* abandonment, the Court noted that only if a railroad is faced with imminent "cashlessness" is it justified in abandoning service. The Court concluded that the MILW was not "cashless" and that its continued operation was therefore not "impossible."

Although recognizing that it may authorize abandonment only with our approval, the Reorganization Court related its belief that the Trustee's proposal would promote the public interest. The court also opined that the Trustee's evidence clearly suggested that reorganization of the entire MILW would be highly impractical if not impossible. Further, although not finding the MILW "cashless", the court observed that the Trustee would soon confront that condition, and that continued operation of the railroad for any length of time depends almost entirely upon financial relief from Congress.

We note that section 1170 of the new Bankruptcy Act, 11 U.S.C. § 1170, Pub. L. No. 95–598, 92 Stat. 2549, 2643 (November 6, 1978), empowers the bankruptcy courts to authorize abandonments by railroads filing for reorganization after the effective date of the new act (October 1, 1979). The Reorganization Court plainly implied that, had it the power to do so, it would have directed embargo as the Trustee requested. We believe that the Court's statements and observations present a clear indication that the MILW's financial problems could precipitate a crisis affecting the railroad's entire system.

Expedited Procedure

We propose to establish an expedited procedure tailored specifically for the exigency posed by the MILW's severe fiscal difficulties. Our proposal does not represent a retreat from or an abrogation of our established procedural mechanisms. Adoption of special evidentiary and decisional procedures are necessitated by the emergency which the MILW's acute problems present.

Upon receipt of the anticipated application, we intend to institute immediately an investigation on our own motion. *See* 49 U.S.C. § 10904(c)(1). Interested persons would be required to file comments within 30 days after the Trustee files the application. Because we feel that the proposed abandonment proceeding would be of general transportation importance and that timely execution of our functions would require it, we also intend to void the requirement for an initial decision and to set the matter for consideration by the entire Commission. *See* 49 U.S.C. § 10327(c).

We propose to commence hearings on or about the 35th day after the filing of the application. We anticipate holding a primary hearing before an administrative law judge, who would hear the case-in-chief of the MILW Trustee and protestants. We also expect to conduct a series of secondary hearings in various communities affected by the abandonment. The secondary hearings, before administrative law judges or employee

boards, would afford persons unable to attend the primary hearing an opportunity to place on the record comments regarding the abandonment proposal.

Hearings would be scheduled to continue for about 45 days, and the draft environmental impact statement would be issued about two weeks before hearings conclude. Briefs of both applicants and protestants would be due about 15 days after the close of hearings, and reply briefs would be due about 30 days after hearings. Comments on the draft environmental impact statement would be due with reply briefs, and a final statement would issue about two weeks thereafter.

We propose to issue a final decision no later than 45 days following the date on which reply briefs are due. Under this expedited approach, we would reach a final decision within 155 days of the date the Trustee files the application.

To summarize, the procedure would adhere to the following timetable:

Day	Date	Action
0	8/8	Application filed.
30	9/7	Comments due.
33	9/10	Hearings commence.
65	10/12	Draft environmental impact statement issued.
79	10/26	Hearings conclude.
96	11/12	Briefs due.
111	11/27	Reply briefs due. Comments on draft environmental impact statement due.
124	12/10	Final environmental impact statement issued.
155	1/10	Administratively final decision issued.

To the extent that the proposed schedule, or minor deviations from it, would conflict with comment or review periods provided in our environmental regulations (*e.g.*, 49 CFR §§ 1108.14(d) and .16(a)) or abandonment regulations (*e.g.*, 49 CFR § 1121.36(d)), we would waive application of those rules.

Certain abandonments pending in the region would be consolidated with Docket No. AB–7 (Sub-No. 86F) unless decisions on the pending applications would be delayed by consolidation. The proceeding might, therefore, embrace the applications pending in Docket Nos. AB–7 (Sub-No. 64F) (discontinuance and abandonment between East Spokane, WA, and Metaline Falls, WA), AB–7 (Sub-No. 69F) (abandonment between Winifred Junction, MT, and Winifred, MT), and AB–7 (Sub-No. 78F) (abandonment between Fairfield, MT, and Agawam, MT).

This notice and request for comments provides an opportunity for a proceeding. An original and 12 copies of comments should be submitted no later than August 7, 1979.

Authority for this proceeding and for the proposals which it contemplates derives from 49 U.S.C. §§ 10304–06, 10327(c), and 10904(c)(1). This proceeding is instituted pursuant to 5 U.S.C. § 553.

This notice shall be served upon the United States Department of Transportation; the governors of the states of Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin; the Public Service Commission and designated state rail agency in each of those states; Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and all persons appearing on the service lists in the following proceedings: Docket Nos. AB–7 (Sub-No. 64F), AB–7 (Sub-No. 69F) and AB–7 (Sub-No. 78F). Notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing with the Director, Office of the Federal Register.

Dated July 12, 1979.

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

Commissioner Christian not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–22377 Filed 7–18–79; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 100]

Decision-Notice

Decided: June 28, 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 were allowed to filings prior to March 1, 1979) *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) 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, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those 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 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 to timely 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 an 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 administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., 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 present and future 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 petitioner, 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 terms, conditions or limitations 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 on or before August 20, 1979, (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only 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 Number 3, Members Parker, Fortier, and Hill. (Board Member Hill not participating).

H. G. Homme, Jr.,

Secretary.

MC 531 (Sub-382F), filed March 26, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *living micro organisms* liquid, in bulk, in tank vehicles, from Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 730 (Sub-434F), filed March 8, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: A. G. Krebs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Oakley, KS, and Valentine, NE, over U.S. Hwy 83, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, and serving junction U.S. Hwys 36 and 83 and junction U.S. Hwys 30 and 83 for purposes of joinder only, (2) Between Austin, MN, and Rockford, IL: From Austin, MN, over Interstate Hwy 90 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Rockford, IL, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, and serving junction U.S. Hwy 53 and Interstate Hwy 90 and junction Interstate Hwys 90 and 94 for purposes of joinder only, (3) Between Mankato, MN, and Milwaukee, WI: From Mankato, MN, over U.S. Hwy 14 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, WI, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, serving junction U.S. Hwys 65 and 14, junction U.S. Hwy 53 and Interstate Hwy 90, and junction Interstate Hwys 90 and 94 for purposes of joinder only, (4) Between New Meadows, ID, and Spokane, WA: From New Meadows, ID, over U.S. Hwy 95 to junction U.S. Hwy 195, then over U.S. Hwy 195 to Spokane, WA, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, and (5) Between Cincinnati, OH, and Trenton, NJ: From Cincinnati, OH, over U.S. Hwy 50 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Trenton, NJ, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, serving junction U.S. Hwy 50 and Interstate Hwy 495, and junction Interstate Hwy 95 and U.S. Hwy 30 for purposes of joinder only. (Hearing site: Washington, DC, or San Francisco, CA.)

MC 5470 (Sub-177F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918—16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soda ash*, in bulk, in dump vehicles, (1) from Granite City, IL, to points in CT, IN, KY, MI, NJ, NY, OH, PA, VA, WV, and WI, and (2) from South Heights, PA, to points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, NJ, and points in CT, IL, KY, MI, MN, VA, and WI. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 5470 (Sub-178F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities*, in bulk, (1) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK and HI), restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Owens-

Illinois Corp. (Hearing Site: Washington, DC, or Cleveland, OH.)

MC 5470 (Sub-179F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pig iron*, in dump vehicles, from Buffalo, NY, to points in OH. (Hearing Site: Washington, DC, or Buffalo, NY.)

MC 5470 (Sub-180F), filed March 19, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime, limestone, and limestone products*, in dump vehicles, from York, PA, to points in CT, DE, MD, MI, NJ, NY, OH, RI, VA, and WV. (Hearing Site: Washington, DC, or Philadelphia, PA.)

MC 7840 (Sub-13F), filed March 19, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. To operate as a *common carrier*, by motor vehicle, in interstate or forrign commerce, over irregular routes, transporting (1) *paper and paper products;* and (2) *material, equipment, and supplies*, used in the manufacture and shipping of paper and paper products, between Burlington, IA, Cincinnati, OH, Gary, IN, Gilman, VT, Kalamazoo, MI, Lyons Falls, NY, Norwood, OH, and Plattsburgh, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC, restricted against the transportation of traffic from Plattsburgh, NY to MI and OH. (Hearing site: Washington, DC.)

MC 11220 (Sub-166F), filed March 5, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: Phineas Stevens, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Houston, TX, and Baton Rouge, LA: (a) From Houston over Interstate Hwy 10 to Baton Rouge and (b) from Houston over U.S. Hwy 90 to junction TX Hwy 12, then over LA Hwy 12 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Baton Rouge, and return over the same routes, (2) Between Houston, TX, and Freeport, TX: (a) From Houston over TX Hwy 288 to Freeport, and (b) from Houston over TX Hwy 35 to junction TX Hwy 288, then over TX Hwy 288 to Freeport, and return over the same routes, (3) Between Houston, TX, and Texarkana, AR–TX, over U.S. Hwy 59, (4) Between Mineola, TX, and Port Arthur, TX, over U.S. Hwy 69, (5) Between Tenaha, TX, and Beaumont, TX, over U.S. Hwy 96, (6) Between Dallas, TX, and Greenville, MS: From Dallas over U.S. Hwy 77 to Gainesville, TX, then over U.S. Hwy 82 to Greenville, and return over the same routes, (7) Between Fort Worth, TX, and Little Rock, AR: (a) From Fort Worth over TX Hwy 183 to Dallas, TX, then over Interstate Hwy 30 to Little Rock, and (b) from Dallas over U.S. Hwy 67 to Little Rock, and return over the same routes, (8) Between Fort Worth, TX, and Jackson, MS (a) over Interstate Hwy 20 and (b) over U.S. Hwy 80, (9) Between junction U.S. Hwys 259 and 82 near DeKalb, TX, and junction U.S. Hwys 259 and 59 near Nacogdoches, TX: From junction U.S. Hwys 259 and 82 over U.S. Hwy 259 to junction U.S. Hwy 59, and return over the same route, (10) Between Gladewater, TX, and Corsicana, TX: From Gladewater over U.S. Hwy 271 to Tyler, TX, then over TX Hwy 31 to Corsicana, and return over the same route, (11) Between Shreveport, LA, and Buffalo, TX, over U.S. Hwy 79, (12) Between Livingston, TX, and DeRidder, LA, over U.S. Hwy 190, (13) Between Zavalla, TX, and Jasper, TX, over TX Hwy 63, (14) Between Arthur City, TX, and Paris, TX, over U.S. Hwy 271, (15) Between Palestine, TX, and Mansfield, LA, over U.S. Hwy 84, (16) Between Texarkana, AR–TX, and junction U.S. Hwys 71 and 190 near Krotz Springs, LA: From Texarkana over U.S. Hwy 71 to junction U.S. Hwy 190, and return over the same route, (17) Between Shreveport, LA, and Lake Charles, LA, over U.S. Hwy 171, (18) Between junction U.S. Hwys 165 and 90 near Iowa, LA, and Montrose, AR, over U.S. Hwy 165, (19) Between Crowley, LA, and Turkey Creek, LA, over LA Hwy 13, (20) Between Lafayette, LA, and El Dorado, AR, over U.S. Hwy 167, (21) Between Leesville, LA, and Natchitoches, LA: From Leesville over LA Hwy 8 to junction LA Hwy 28, then over LA Hwy 28 to junction U.S. Hwy 84 near Archie, LA, then over U.S. Hwy 84 to junction LA Hwy 6, then over LA Hwy 6 to Natchitoches, and return over the same route, (22) Between Toomey, LA, and New Orleans, LA, over U.S. Hwy 90, (23) Between Lafayette, LA, and junction LA Hwy 182 and U.S. Hwy 90 near Jeanerette, LA: From Lafayette over LA Hwy 182 to junction U.S. Hwy 90, and return over the same route, serving all intermediate points on routes (1) through (23) above, and serving as off-route points, Camden and East Camden, AR; Colfax, Fort Polk, Haynesville, Lockport Mathews, and St. Martinville, LA; Kilgore and Tatum, TX and points in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Grayson, Harris, Jefferson, Johnson, Kaufman, Liberty, Orange, Parker, Rockwall and Tarrant Counties, TX, and serving as off-route points the facilities of International Paper Company, at or near Camden, AR, and Springhill, LA; the facilities of Texas Power and Light Co., near Reklaw, Talco, and Trinidad, TX; and the facilities of Texas Utilities Services, Inc., near Athens, Mount Pleasant, and Tatum, TX, (24) Between Fort Smith, AR, and Texarkana, AR–TX, over U.S. Hwy 71, serving no intermediate points, (25) Between Little Rock, AR and El Dorado, AR, over U.S. Hwy 167, serving no intermediate points, (26) Between Jackson, MS, and Birmingham, AL, over Interstate Hwy 20, serving no intermediate points, (27) Between Bossier City, LA, and Hope, AR: From Bossier City over LA Hwy 3 to LA–AR State line, then over AR Hwy 29 to Hope, and return over the same route, (28) Between Kountze, TX, and junction TX Hwy 326 and U.S. Hwy 90 near Nome, TX: From Kountze over TX Hwy 326 to junction U.S. Hwy 90, and return over the same route, (29) Between junction TX Hwy 62 and U.S. Hwy 96 near Buna, TX, and junction TX Hwys 62 and 12 near Mauriceville, TX: From junction TX Hwy 96, over TX Hwy 62 to junction TX Hwy 12, and return over the same route, (30) Between Newton, TX, and Orange, TX, over TX Hwy 87, serving junction TX Hwys 87 and 12 for purpose of joinder only, (31) Between Huntsville, TX, and Livingston, TX, over U.S. Hwy 190, (32) Between Corrigan, TX, and Woodville, TX, over U.S. Hwy 287, (33) Between junction TX Hwy 147 and U.S. Hwy 69 near Zavalla, TX, and San Augustine, TX, serving junction TX Hwys 147 and 103 for purpose of joinder only: From junction TX Hwy 147 and U.S. Hwy 69 over TX Hwy 147 to San Augustine, and return over the same route, (34) Between Lufkin, TX, and junction TX Hwy 103 and U.S. Hwy 96, serving junction TX Hwys 103 and 147 for purpose of joinder only: From Lufkin

over TX Hwy 103 to junction U.S. Hwy 96, and return over the same route, (35) Between Nacogdoches, TX, and Center, TX, over TX Hwy 7, (36) Between Nacogdoches, TX, and San Augustine, TX, over TX Hwy 21, (37) Between Nacogdoches, TX, and Pollok, TX, over TX Hwy 7, (38) Between Nacogdoches, TX, and Alto, TX, over TX Hwy 21, (39) Between Center, TX, and junction TX Hwy 7 and U.S. Hwy 84 near Joaquin, TX: From Center over TX Hwy 7 to junction U.S. Hwy 84, and return over the same route, (40) Between Tyler, TX, and Henderson, TX, over TX Hwy 64, (41) Between Tyler, TX and Palestine, TX, over TX Hwy 155, (42) Between Athens, TX, and Palestine, TX: From Athens over TX Hwy 19 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Palestine, and return over the same route, (43) Between Athens, TX, and Jacksonville, TX, over U.S. Hwy 175, (44) Between Athens, TX, and junction TX Hwy 19 and U.S. Hwy 80 near Fruitvale, TX, serving junction TX Hwy 19 and Interstate Hwy 20 for purpose of joinder only: From Athens over TX Hwy 19 to junction U.S. Hwy 80, and return over the same route, (45) Between Bonham, TX, and Greenville, TX: From Bonham over TX Hwy 78 to junction TX Hwy 11, then over TX Hwy 11 to Wolfe City, TX, then over TX Hwy 34 to Greenville, and return over the same route, (46) Between Greenville, TX, and Paris, TX, over TX Hwy 24, (47) Between Paris, TX, and Sulphur Springs, TX, over TX Hwy 19, (48) Between Terrell, TX, and Greenville, TX, over TX Hwy 34, (49) Between Paris, TX, and Mount Pleasant, TX, over U.S. Hwy 271, serving Bogata, TX for purpose of joinder only, (50) Between junction TX Hwy 37 and U.S. Hwy 82 near Clarksville, TX, and Mount Vernon, TX, serving Bogata, TX for purpose of joinder only: From junction TX Hwy 37 and U.S. Hwy 82 over TX Hwy 37 to Mount Vernon, and return over the same route, (51) Between New Boston, TX, and Linden, TX, over TX Hwy 8, serving junction TX Hwy 8 and U.S. Hwy 67 for purpose of joinder only, (52) Between Linden, TX, and Daingerfield, TX, over TX Hwy 11, (53) Between Sulphur, LA, and DeQuincy, LA, over LA Hwy 27, (54) Between DeQuincy, LA and DeRidder, LA, over LA Hwy 27, (55) Between junction LA Hwy 26 and U.S. Hwy 90 and Oberlin, LA, serving junction LA Hwy 26 and U.S. Hwy 190 and junction LA Hwys 26 and 104 for purpose of joinder only: From junction LA Hwy 26 and U.S. Hwy 90 over LA Hwy 26 to Oberlin, and return over the same route, (56) Between junction LA Hwys 104 and 26 and junction LA Hwys 104 and 13 near Mamou, LA, serving junction LA Hwys 104 and 26 for purpose of joinder only: From junction LA Hwys 104 and 26 over LA Hwy 104 to junction LA Hwy 13, and return over the same route, (57) Between junction LA Hwys 29 and 13 near Eunice, LA, and Ville Platte, LA: From junction LA Hwys 29 and 13 over LA Hwy 29 to Ville Platte, and return over the same route, (58) Between LeBeau, LA, and junction LA Hwy 10 and U.S. Hwy 167 near Opelousas, LA: From LeBeau over LA Hwy 10 to junction U.S. Hwy 167, and return over the same route, (59) Between Ville Platte, LA, and Bunkie, LA, over LA Hwy 29, (60) Between Oberlin, LA, and junction LA Hwy 26 and U.S. Hwy 171 near DeRidder, LA: From Oberlin over LA Hwy 26 to junction U.S. Hwy 171, and return over the same route, (61) Between Pickering, LA, and Oakdale, LA, over LA Hwy 10, (62) Between junction LA Hwy 77 and Interstate Hwy 10 near Rosedale, LA, and junction LA Hwy 77 and U.S. Hwy 190: From junction LA Hwy 77 and Interstate Hwy 10 over LA Hwy 77 to junction U.S. Hwy 190, and return over the same route, (63) Between Oakdale, LA, and junction LA Hwy 10 and U.S. Hwy 167 near Ville Platte, LA, serving junction LA Hwys 10 and 13 for purpose of joinder only: From Oakdale over LA Hwy 10 to junction U.S. Hwy 167, and return over the same route, (64) Between Lecompte, LA, and Forest Hill, LA, over LA Hwy 112, (65) Between Pollock, LA, and Trout, LA: From Pollock over LA Hwy 8 to junction LA Hwy 772, then over LA Hwy 772 to Trout, and return over the same route, (66) Between Pollock, LA, and Bentley, LA, over LA Hwy 8, (67) Between Alexandria, LA, and Natchitoches, LA, over LA Hwy 1, (68) Between Natchitoches, LA, and Coushatta, LA: From Natchitoches over LA Hwy 1 to junction U.S. Hwy 84, then over U.S. Hwy 84 to Coushatta, and return over the same route, (69) Between Natchitoches, LA, and Many, LA, over LA Hwy 6, (70) Between Mansfield, LA, and Coushatta, LA, over U.S. Hwy 84, serving junction U.S. Hwy 84 and LA Hwy 1 for purpose of joinder only, (71) Between Logansport, LA, and junction LA Hwy 5 and U.S. Hwy 171 near Gloster, LA: From Logansport over LA Hwy 5 to junction U.S. Hwy 171, and return over the same route, (72) Between Shreveport, LA, and junction LA Hwy 1 and U.S. Hwy 84 near Grand Bayou, LA, serving junction LA Hwy 1, and U.S. Hwy 84 for purpose of joinder only: From Shreveport over LA Hwy 1 to junction U.S. Hwy 84, and return over the same route, (73) Between Minden, LA, and junction LA Hwy 7 and U.S. Hwy 71 near Coushatta, LA: From Minden over LA Hwy 7 to junction U.S. Hwy 71, and return over the same route, (74) Between Bastrop, LA, and junction AR Hwy 81 and U.S. Hwy 82, serving junction LA Hwys 139 and 142 for purpose of joinder only: From Bastrop over LA Hwy 139 to LA–AR State line, then over AR Hwy 81 to junction U.S. Hwy 82, and return over the same route, (75) Between Crossett, AR, and junction LA Hwys 139 and 142, serving junction LA Hwys 139 and 142 for purpose of joinder only: From Crossett over AR Hwy 133 to AR–LA State line, then over LA Hwy 142 to junction LA Hwy 139, and return over the same route, (76) Between Monroe, LA, and Jonesboro, LA: From Monroe over LA Hwy 34 to junction LA Hwy 4, then over LA Hwy 4 to Jonesboro, and return over the same route, (77) Between Thibodaux, LA, and Houma, LA: From Thibodaux over LA 20 to junction LA Hwy 24, then over LA Hwy 24 to Houma, and return over the same route, (78) Between Gibson, LA, and Thibodaux, LA: From Gibson over LA Hwy 20 to Thibodaux, and return over the same route, and (79) Between New Iberia, LA, and Crowley, LA: From New Iberia over LA Hwy 14 to junction LA Hwy 13, then over LA Hwy 13 to Crowley, and return over the same route, serving as alternate routes for operating convenience only in (27)–(79), serving no intermediate points on routes (27) through (79), but serving for purposes of joinder only those points so specified on routes 30, 33, 34, 44, 49, 50, 51, 55, 56, 63, 70, 72, 74, and 75. (Hearing Site: Atlanta, GA, or Cincinnati, OH.)

Note.—Applicant intends to tack the requested authority with its present authority at common service points in AL, AR, LA, MS, OK, and TX.

MC 29934 (Sub-22F), filed March 21, 1979. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MA, RI, CT, NY, PA, NJ, MD, DE, VA, and DC, restricted to the

transportation of traffic originating at or destined to the facilities of Owens Illinois, Inc. (Hearing site: Washington, DC.)

MC 35320 (Sub-239F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Federal Prison, at or near Milan, MI, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Toledo, OH, or Washington, DC.)

MC 35320 (Sub-243F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Glasrock Products, Inc., at or near Barton, AL, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-244F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (excet those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Bancroft Industries, at or near Cabot, AR, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Little Rock, AR, or Washington, DC.)

MC 35320 (Sub-246F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (excet those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Activated Metals and Chemicals, Inc., at or near Sevierville, TN, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Knoxville, TN, or Washington, DC.)

MC 35320 (Sub-247F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Gaubert Industries, Inc., at or near Hampton, GA, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-248F), filed March 22, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, ammunition, ammunition parts, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Lake Catherine Footwear, at or near Hot Springs, AR, an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Little Rock, AR, or Washington, DC.)

MC 42661 (Sub-145F), filed March 21, 1979. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points, in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 48441 (Sub-35F), filed March 21, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: Elizabeth A. Purcell, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MN, IA, MO, WI, IL, MI, IN, OH, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 48441 (Sub-39F), filed March 23, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. 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 *fibre shipping drums*, from the facilities of The Continental Group, Inc., at or near Van Wert, OH, to points in IL, IN, and MI. (Hearing site: Washington, DC.)

MC 52704 (Sub-211F), filed March 21, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures,*

container components, glassware, and packaging products, (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MN, IA, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 59655 (Sub-18F), filed March 21, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap material* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, OH, IN, MD, DE, VA, NC, SC, GA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owen-Illinois, Inc. (Hearing site: Washington, DC, or New York, NY.)

MC 61825 (Sub-96F), filed March 21, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 64808 (Sub-40F), filed March 21, 1979. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 67450 (Sub-80F), filed February 2, 1979, previously noticed in the FR issue of May 9, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier,* motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt syrup,* from the facilities of Malt Products Corporation, at or near Maywood, NJ, to points in IL, IN, IA, OH, and WI. (Hearing Site: Chicago, IL.)

Note.—This republication deletes the in bulk restriction.

MC 68100 (Sub-25F), filed March 26, 1979. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles, from* Houston, TX, to points in AR, KS, LA, MO, NM, and OK. (Hearing Site: Houston, TX, or Tulsa, OK.)

MC 77424 (Sub-46F, filed March 21, 1979. Applicant: WENHAM TRANSPORTATION, INC. 3200 East 79th Street, Cleveland, OH 44104. Representative: James Johnson, (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 79687 (Sub-26F), filed March 21, 1979. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products:* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MI, IN, KY, TN, and GA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 95540 (Sub-1086F), filed February 22, 1979, previously noticed in the FR issue of June 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chain saws, snow-throwers, and garden, lawn, turf, and golf course care equipment,* from the facilities of the Toro Company, at or near Windom and Minneapolis, MN, and Tomah, WI, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN, restricted to the transportation of

traffic originating at the named origins and destined to the named destinations.

NOTE: This republication includes Minneapolis, MN as an origin point. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 95540 (Sub-1091F), filed March 22, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, between points in AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Wichita, KS, or Washington, DC.)

MC 96324 (Sub-32F), filed March 21, 1979. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Harold G. Hernly, Jr., 110 South Columbus St., Alexandria, VA 22314. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MI, IL, KY, TN, MS, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC, or Toledo, OH.)

MC 107323 (Sub-53F), filed March 21, 1979. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment) between points in IL, IN, KY, MI, MN, OH, PA, NY, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 108341 (Sub-140F), filed March 19, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cranes and machinery;* and (2) *parts, attachments, and accessories* for the commodities named in (1) above, from the facilities of Philadelphia Tramrail Company, at or near Philadelphia, PA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing Site: Philadelphia, PA, or Washington, DC.)

MC 108341 (Sub-141F), filed March 19, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles, and copper articles;* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of Knight Metalcraft Corporation, at or near Portland, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing Site: Nashville, TN, or Washington, DC.)

MC 111201 (Sub-39F), filed March 21, 1979. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 200, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in AL, AR, DE, FL, GA, KY, LA, MD, MS, MO, NJ, NC, OK, PA, SC, TN, TX, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 111310 (Sub-38F), filed March 21, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, (a) from New Ulm, MN, to points in ND, SD, NE, KS, OK, MI, OH, WV, PA, MD, DE, NJ, NY, MA, CT, and RI, (b) from St. Paul, MN, and Milwaukee, LaCrosse, and Chippewa Falls, WI, to points in KS, and (c) from St. Louis, MO, to Hammond, IN; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Madison, WI, or St. Paul, MN.)

MC 113434 (Sub-127F), filed March 21, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A–5253 144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in IL, IN, IA, KY, MD, MN, MI, MO, NJ, NY, OH, PA, TN, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 114273 (Sub-575F), filed March 21, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the

manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AR, CO, DE, IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 114290 (Sub-88F), filed March 19, 1979. Applicant: EXLEY EXPRESS, INC., 2610 SE 8th, Portland, OR 97202. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such businesses, between points in ID, OR, WA, UT, NV, CA, AZ, and MT. (Hearing Site: Portland, OR, or Seattle, WA.)

MC 114890 (Sub-91F), filed March 21, 1979. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, from Mexico, MO, to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, OH, OK, TN, TX, and WI. (Hearing Site: St. Louis or Jefferson City, MO.)

MC 115331 (Sub-493F), filed March 19, 1979. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, chemical compounds, antifreeze, plastics, and plastic products* (except commodities in bulk); and (2) *materials, equipment, and supplies* used in the manufacture, distribution, or sale of the commodities named in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Co., at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Chicago, IL).

MC 115570 (Sub-20F), filed March 12, 1979. Applicant: WALTER A. JUNGE, INC., 3818 S. W. 84th Street, Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products;* and (2) *such commodities* as are dealt in or distributed by manufacturers and converters of cellulose materials, from Turlock and San Leandro, CA, to points in ID, OR, and WA, under continuing contract(s) with International Paper Company, of Portland, OR. (Hearing Site: Portland, OR.)

MC 115931 (Sub-85F), filed March 22, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe and plastic fittings;* and (2) *materials and supplies* used in the distribution of the commodities named in (1) above, (except commodities in bulk), from Bakersfield, CA, and Valley View, OH, to those points in the United States in and west of MI, IN, IL, MO, AR, and TX (except AK and HI). (Hearing Site: San Francisco, CA, or Reno, NV.)

MC 117940 (Sub-317F), filed March 14, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wearing apparel and accessories, blankets, piece goods, and duffel bags;* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above, between the facilities of Pendleton Woolen Mills, at or near Portland, OR, on the one hand, and, on the other points in NE and PA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing Site: Portland, OR.)

MC 117940 (Sub-319F), filed March 23, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel strapping, seals, and strapping hand tools* (except commodities which because of size or weight require the use of special equipment), from points in IL, MI, NY, and OH to points in MN and WI. (Hearing Site: Minneapolis or St. Paul, MN.)

MC 119632 (Sub-89F), filed March 21, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Definance, OH 43512. Representative: Wayne C. Pence (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in CT, DE, IL, IN, KY, MA, MD, MI, MO, NJ, NY, NC, RI, PA, TN, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 119641 (Sub-162F), filed March 19, 1979. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood, paneling, gypsum board, composition board, particleboard, and molding*, from Jacksonville and Jasper, FL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Indianapolis, IN, or Chicago, IL.)

MC 119654 (Sub-70F), filed March 21, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in PA

on and west of a line beginning at the NY–PA State line and extending along U.S. Hwy 219 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the PA–WV State line, and points in IL, IN, OH, KY, MO, WI, and MI, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 119670 (Sub-39F), filed March 21, 1979. Applicant: VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in IL, IN, KY, MI, MO, NC, PA, OH, TN, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 119741 (Sub-153F), filed March 22, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hog and pig skins and trimmings*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Geo. A. Hormel & Co., at Freemont, NE and Fort Dodge and Ottumwa, IA, to points in IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing Site: Minneapolis, MN.)

MC 119800 (Sub-3F), filed March 21, 1979. Applicant: PHILIP THOMAS TRUCKING, P.O. Box 742, Wynnewood, OK 73098. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asphalt and fuel oil*, from Wynnewood, Ardmore, and Cyril, OK, to points, in TX, AR, and LA. (Hearing Site: Dallas or Ft. Worth, TX.)

MC 119864 (Sub-74F), filed March 21, 1979. Applicant: CRAIG TRANSPORTATION CO., a corporation, 26699 Eckel Road, Perrysburg, OH 43551. Representative: Dale K. Craig (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MI, TN, MD, DE, NJ, PA, OH, KY, IN, IL, WI, MO, IA, and MN, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 121060 (Sub-93F), filed March 14, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and supplies* used in the manufacture and distribution of construction materials, (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Russellville, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 121060 (Sub-95F), filed March 16, 1979. Applicant: ARROW TRUCK LINES, INC., Post Office Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Perth Amboy, NJ, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 121060 (Sub-96F) filed March 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Linden, NJ, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 121060 (Sub-97F) filed March 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials and materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Deposit, NY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 123054 (Sub-27F) filed March 21, 1979. Applicant: R & H CORPORATION, 295 Grand Avenue, Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products; (2) scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between those points in the United States in and east of MI, IN, KY, TN, and GA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing Site: Washington, DC.)

MC 123310 (Sub-19F) filed March 22, 1979. Applicant: DOUG ANDRUS & SONS, INC., 1820 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, in bulk, (1) from points in Yellowstone County, MT, to points in ID, OR, and WA. and (2) from points in UT, to points in ID, MT, OR, and WA. (Hearing Site: Boise, ID.)

MC 125091 (Sub-7F), filed March 23, 1979. Applicant: BOEHMER TRANSPORTATION, CORP., Mill and Union Streets, Machias, NY 14101. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, in bulk, from the facilities of Domtar Industries, Inc., at or near Buffalo, NY, to points in Armstrong, Cambria, Cameron, Clarion, Clearfield, Elk, Forest, Jefferson, McKean, Potter, and Warren Counties, PA. (Hearing site: Buffalo, NY.)

MC 127303 (Sub-54F), filed March 21, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Dwight L. Koerber, Jr., 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 (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in MN, IA, MO, MI, WI, IL, IN, OH, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 127420 (Sub-1F), filed March 20, 1979. Applicant: FLEIG LEASING, INC., 1267 Burlington Road, Roxboro, NC 27573. Representative: G. C. Fleig (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles, and equipment, materials, and supplies* used in the distribution, installation, or manufacture of aluminum and aluminum articles, between those points in the United States in and east of MN, IA, NE, KS, OK, and TX, under continuing contract(s) with Hunter Douglas Inc., of Durham, NC. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 129410 (Sub-13F), filed March 22, 1979. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Road, Crystal Lake, IL 60014. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid sugar*, in bulk, in tank vehicles, from the facilities of American Crystal Sugar Company, at Chasta, MN, to points in IL, restricted to the transportation of traffic originating at the facilities of American Crystal Sugar Company, at Chasta, MN, under continuing contract(s) with American Crystal Sugar Company, of Moorhead, MN. (Hearing site: Chicago, IL.)

MC 127705 (Sub-73F), filed March 21, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Drawer 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46250. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MI, WI, IL, IN, KY, OH, WV, VA, NY, PA, MD, NJ, DE, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 133111 (Sub-2F), filed March 21, 1979. Applicant: JOT TRANSPORT, INC., 7990 National Highway, Pennsauken, NJ 08110. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18417. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of the Pioneer Warehouse Corporation and Malloy Warehouse and Distribution Corp., at Pennsauken, NJ, on the one hand, and, on the other, points in MD, NJ, PA, NY, DE, and DC, under continuing contract(s) with Pioneer Warehouse Corp. and Malloy Warehouse and Distribution Corp., of Pennsauken, NJ. (Hearing Site: Philadelphia, PA.)

MC 135070 (Sub-36F), filed March 15, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages* from points in Jefferson County, CO, to points in IA, KS, MO, NE, NM, OK, and TX; and (2) and *materials and supplies* used in and dealt with by breweries, in the reverse direction. (Hearing Site: Denver, CO.)

Note.—Dual operations may be involved.

MC 135170 (Sub-36F), filed March 23, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *containers, container closures, container ends, and material, equipment, and supplies* used in the manufacture and distribution of containers (except commodities in bulk and those because of size or weight require the use of special equipment), between those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Crown Cork & Seal Co., Inc., of Philadelphia, PA. (Hearing Site: Washington, DC.)

MC 135170 (Sub-37F), filed March 23, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, paper and paper articles, and plastic articles*, from Hartsville, SC, to points in DE, MD, OH, PA, NY, NJ, NC, and DC; and (2) *scrap paper*, in the reverse direction, under continuing contract(s) with Sonoco Products Company, of Hartsville, SC. (Hearing Site: Washington, DC.)

MC 135454 (Sub-23F), filed March 21, 1979. Applicant: DENNY TRUCK LINE, INC., 893 Ridge Road, Webster, NY 14580. Representative: Francis P. Barrett, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operate as a *common carrier*,

by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in NY, NJ, PA, MD, OH, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. NOTE: Dual operations may be involved. (Hearing site: Washington, DC.)

MC 135797 (Sub-196F), filed March 21, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products;* (2) *scrap materials* (except commodities in bulk in tank vehicles, and those requiring special equipment); and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk in tank vehicles, and those requiring special equipment), between points in AL, AR, FL, GA, IL, KS, KY, LA, MS, MO, NC, OK, SC, TN, TX, and VA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 136161 (Sub-19F), filed March 19, 1979. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. 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 (1) *chemicals, chemical compounds, anti-freeze, plastics and plastic products* (except in bulk); and (2) *materials, equipment, and supplies* used in the manufacture, distribution or sale of commodities in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 136511 (Sub-32F), filed March 12, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. 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 (1) *chemicals, chemical compounds, anti-freeze, plastics and plastic products* (except commodities in bulk); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 136540 (Sub-4F), filed March 21, 1979. Applicant: REFINERS TRANSPORT SERVICE, INC., 4850 Bloomfield St., Jefferson, LA 70121. Representative: Edward A. Winter, 235 Rosewood Dr., Metairie, LA 70005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products,* (2) *scrap materials,* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between Alton, IL, and points in AL, AR, FL, GA, LA, MS, MO, OK, TN, and TX, under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: Washington, DC.)

MC 138510 (Sub-12F), filed March 21, 1979. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Avenue and Aloe Street, Pomona, NJ 08240. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages,* in containers, from Eden, NC, to Atlantic City and Wildwood, NJ, under continuing contract(s) with South Jersey Distributors Co., Inc., of Atlantic City, NJ. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 138741 (Sub-72F), filed March 14, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. 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 *treated lumber and lumber products,* from the facilities of Jennison-Wright Corporation, at Granite City, IL, to points in OH, MI, and WI. (Hearing site: St. Louis, MO.)

MC 138741 (Sub-73F), filed March 16, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. 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 *lumber, lumber products, wood products, millwork, and particle board,* from the facilities of Pluswood Inc., at or near Oshkosh, WI, to points in AL, AR, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, PA, TN, and TX. (Hearing site: Chicago, IL.)

MC 138741 (Sub-74F), filed March 21, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. 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 *roofing granules* (except in bulk), from the facilities of GAF Corporation, at or near Annapolis, MO, to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, PA, TN, TX, and WI. (Hearing site: St. Louis, MO.)

MC 138841 (Sub-12F), filed March 23, 1979. Applicant: BLACK HILLS TRUCKING CO., a corporation, P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, between Kansas City, MO, and points in CA, CO, IL, IA, MN, OR, UT, WA, and WI, on the one hand, and, on the other, Rapid City, Deadwood, and Lead, SD, and Casper, WY, restricted to the transportation of traffic originating

at the named origins and destined to the indicated destinations. (Hearing site: Rapid City, SD.)

MC 139401 (Sub-1F), filed March 19, 1979. Applicant: EARL W. NORRIS, 3654 Gertrude Street, Omaha, NE 68147. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel*, from points in the Chicago, IL, commercial zone, to the facilities of Nebraska Engineering Company, at Omaha, NE, under continuing contract(s) with Nebraska Engineering Company, of Omaha, NE. (Hearing site: Omaha, NE.)

MC 141150 (Sub-10F), filed March 16, 1979. Applicant: ATLAS WAREHOUSING COMPANY, a corporation, 510 West Kearsley Street, Flint, MI 48506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *contract 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), (1) from points in IL, OH, IN, and NY, to Flint, MI, and (2) from Flint, MI, to points in IN and OH, under continuing contract(s) with Atlas Sugar, Inc., of Flint, MI. (Hearing site: Lansing, MI.)

MC 141250 (Sub-1F), filed March 16, 1979. Applicant: CHARLTON TRANSPORT (QUEBEC) LIMITED, 458 22nd Ave., Blainville, Quebec, Canada. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles*, between points in the Province of Quebec, on the one hand, and, on the other, Champlain and Rouses Point, NY, and Derby Line, VT, and ports of entry on the international boundary line between the United States and Canada, at points in NY and VT, under continuing contract(s) with General Motors Corporation, of Oshawa, Ontario. (Hearing site: Washington, DC.)

MC 141500 (Sub-10F), filed March 23, 1979. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal* from Duluth, MN, to those points in WI on and north of U.S. Hwy 10, under continuing contract(s) with The C. Reiss Coal Company, of Sheboygan, WI. (Hearing site: Milwaukee, WI.)

MC 142000 (Sub-3F), filed March 26, 1979. Applicant: LOWELL SAMPSON, INC., 400 East Lundy Lane, Leland, IL 60531. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meat and bone meal, meat meal, blood meal and meat and bone meal tankage*, from Rochelle, IL, to points in AR, FL, KY, LA, MI, MN, MS, MO,NE, OH, OK, AL, and Ga; (2) *dry rendered tankage, dry blood, meat and bone meal and meat meal*, from points in AR, FL, KY, LA, MI, MN, MS, MO, NE, OH, OK, AL, and GA to Rochelle, IL; and (3) *animal feed ingredients*, between points in WI, IA, IL, MI, IN, KY, MN, LA, MO, OH, MS, AR, OK, FL, GA, AL, NC, SC, NE, and KS. (Hearing site: Chicago, IL.)

MC 142271 (Sub-5F), filed March 26, 1979. Applicant: WAYNE E. WATKINS, d.b.a. WATKINS REFRIGERATED DISTRIBUTING SERVICE, 36316—85th St., E., Littlerock, CA 93543. 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 *solar equipment and parts* for solar equipment, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Grumman Energy Systems, Inc., under continuing contract(s) with Grumman Energy Systems, Inc., of Ronkonkoma, NY. (Hearing site: Los Angeles, CA.)

MC 143540 (Sub-12F), filed March 16, 1979. Applicant: MARINE TRANSPORT COMPANY, 330 Shipyard Blvd., P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fibrous glass products and material, mineral wool, mineral wood products and materials, insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands, glass fibre mats and mattings, and flexible air ducts* (except commodities in bulk), from the facilities of CertainTeed Corporation, at or near Williamstown Junction, NJ, to points in AL, FL, GA, KY, NC, SC, TN, and VA, under continuing contract(s) with CertainTeed Corporation, of Valley Forge, Pa. (Hearing site: Richmond, VA, or Raleigh, NC.)

MC 144330 (Sub-51F), filed March 22, 1979. Applicant: UTAH CARRIERS, INCORPORATED, P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). 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 Steel Corporation, at or near Hammond, IN, to Kansas City, MO, and points in CA, KS, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing Site: Chicago, IL.)

MC 144630 (Sub-13F), filed March 21, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *batteries, battery parts and components;* and (2) *lead, pigs, billets, and slabs*, (a) from Niagra Falls, NY, to Vincennes, IN, (b) from Toledo, OH, Attica and Vincennes, IN, to points in CA, and (c) from Herculaneum, MO, to Visalia, CA. (Hearing Site: Indianapolis, IN, or Columbus, OH.)

MC 145141 (Sub-1F), filed March 19, 1979. Applicant: L. J. NAVY TRUCKING CO., a Corporation, 2300 Eighth Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boxes, corrugated containers, scrap paper, ink* in containers, *wax roll stock, paints* in containers, and *machinery* used in the production of paper products, (1) from Huntington, WV, to points in TX, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and (2) between the facilities of Western Kraft Paper Corp., Corco Division, at Grand Rapids, MI, Bowling Green and Hawesville, KY, Compti, LA, Huntington, WV, Delaware, OH, and Muncie, IN, under continuing contract(s) with Western Kraft Paper Group, Corco

Division, of Huntington, WV. (Hearing Site: Charleston, WV.)

Note.—Dual operations may be involved.

MC 145481 (Sub-5F), filed March 26, 1979. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, NC 27360. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *drugs, medicines, cosmetics, plastic boxes, plastic articles, weed killing compounds, and animal and poultry feed supplements;* (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture, production, and distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of Eli Lilly and Company, at or near Indianapolis, Lafayette, and Clinton, IN, on the one hand, and, on the other, points in CA, ID, AZ, and NV. (Hearing Site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 145691 (Sub-3F), filed March 6, 1979. Applicant: WARNER C. CORBIN, d.b.a. C & B TRANSFER, 51 Kane Street, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW, Washington, DC 20005, 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), when moving on bills of lading of freight forwarders as defined in Section 402 (a) (b) of the Act, between the facilities of Lifschultz Fast Freight, Inc., at Baltimore, MD, on the one hand, and, on the other, Washington, DC, and points in Anne Arundel County, MD. (Hearing Site: Washington, DC.)

MC 145870 (Sub-8F), filed March 16, 1979. Applicant: L–J–R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 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 (1) *mining machinery and equipment*, and parts for the foregoing commodities, and (2) *materials, equipment and supplies* used in the installation of mining machinery and equipment (except commodities in bulk), from Tazewell, VA, to points in IL, IN, KY, OH, PA, TN, VA, and WV. (Hearing Site: Washington, DC, or Roanoke, VA.)

MC 145914 (Sub-1F), filed March 21, 1979. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Eric S. Smith (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, and DC, under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: Washington, DC.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly Sectin 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.)

MC 145930 (Sub-2F) filed March 21, 1979. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, 300 Madison Ave., 12th Fl., Toledo, OH 43603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, in bulk, from Rittman and Fairport Harbor, OH, to points in IN, KY, PA, and WV. (Hearing Site: Toledo, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145950 (Sub-10F), filed March 22, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76710. 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 *canned and preserved foodstuffs*, from the facilities of Heinz USA, at or near Iowa City and Muscatine, IA, to points in AL, FL, GA, SC, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing Site: Washington, DC.)

Note.—Dual operations may be involved.

MC 146531 (Sub-2F), filed March 23, 1979. Applicant: LARRY WILSON, Rural Route No. 2, Eudora, KS 66025. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer materials*, from the facilities of Farmland Industries, Inc., at or near Lawrence, KS, to points in OK, AR, MO, NE, IA, TX, and CO. (Hearing Site: Kansas City, MO.)

MC 146580 (Sub-1F), filed March 19, 1979. Applicant: FREIGHT SYSTEMS, INC., 4200 Meridian St., Suite 216, Bellingham, WA 98225. Representative: William H. Grady, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are sold, used, or distributed by a manufacturer of cosmetics, between those points in WA in and west of U.S. Hwy 97, restricted to the transportation of traffic having a prior or subsequent movement in interstate commerce, under continuing contract(s) with Avon Products, Inc., of Pasadena, CA. (Hearing Site: Seattle, WA)

MC 146610 (Sub-1F), filed March 22, 1979. Applicant: CHARLES JOINER, 104 South Central, Tennille, GA 31087. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulators and parts* insulators, from Sandersville, GA, to points in the United States (except AK and HI), under continuing contract(s) with Lapp Insulator Division of Interpace Corporation, of Sandersville, GA. (Hearing Site: Atlanta, GA, or Washington, DC.)

MC 146611 (Sub-1F), filed March 19, 1979. Applicant: INSULATION SPECIALISTS, 7215 North 62nd. Avenue, Glendale, AZ 85031. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation and materials, equipment, and supplies* used in the installation and manufacturing of insulation, from the facilities of Superior Products Corporation of Arizona, at Chandler, AZ, to points in CA and NV. (Hearing Site: Phoenix, AZ.)

MC 126620 (Sub-5F), filed March 9, 1979. Applicant: CALIFORNIA PARLOR CAR TOURS COMPANY, Jack Tar Hotel, 1101 Van Ness Avenue, San Francisco, CA 94109. Representative: W. L. McCracken, Greyhound Tower, Phoenix, AZ 85077. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in one way and round trip special operations, in sightseeing and pleasure tours, between points in Clark County, NV, and Maricopa County, AZ, on the one hand, and, on the other, points in NV, AZ, and UT. (Hearing Site: Las Vegas, NV, or Phoenix, AZ.)

MC 144990 (Sub-1F), filed March 19, 1979. Applicant: CHARLES A. HURST, GOOD TIMES CHARTERS, 1416 Southview Drive, Bluefield, WV 24701. Representative: Stephen P. Swisher, 339 12th Street, Dunbar, WV 25064. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in charter-operations, between points in Logan, McDowell, Mercer, Mingo, Raleigh, Summers, Wyoming, Monroe, and Greenbrier Counties, WV, and Bland, Buchanan, Carrol, Giles, Grayson, Montgomery, Russell, Wythe, and Tazewell Counties, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Charleston, WV.)

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[Volume No. 88]

Permanent Authority Decisions

Decided: June 20, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application in published in the **Federal Register**. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The orignial and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon application if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to presecute 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 conform 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. section 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. section 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. section 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, 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 this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,

Secretary.

MC 19227 (Sub-244F), filed February 23, 1979. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, P.O. Box 523610. Representative: Robert F. McCaughey (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fabricated steel products, agricultural implements,*

trailers, and buildings, and (2) *parts and accessories* for commodities named in (1) above, from the facilities of the Binkley Company in Montgomery and Warren Counties, MO, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of the Binkley Company in Montgomery and Warren Counties, MO. (Hearing site: St. Louis, or Kansas City, MO.)

MC 42487 (Sub-905F), filed February 22, 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, and commodities requiring special equipment), (1) Between Anderson, SC and junction SC Hwy 72 and Interstate Hwy 26 near Clinton, SC: From Anderson over U.S. Hwy 76 to junction SC Hwy 72, then over SC Hwy 72 to junction SC Hwy 72 and Interstate Hwy 26 near Clinton, SC, and return over the same route. (2) Between Anderson, SC and Greenville, SC: over U.S. Hwy 29. (3) Between Charleston, SC and Columbia, SC: From Charleston over Interstate Hwy 26 to junction U.S. Hwy 21 near Cayce, SC, then over U.S. Hwy 21 to Columbia, and return over the same route. (4) Between Charleston, SC and Florence, SC: over U.S. Hwy 52. (5) Between Charleston, SC and the GA–SC State Line at or near North Augusta, SC: From Charleston over U.S. Hwy 78 to Aiken, SC, then over U.S. Hwy 1 to the GA–SC State Line at or near North Augusta, SC, and return over the same route. (6) Between Columbia, SC and Florence, SC: From Columbia over SC Hwy 277 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Florence, and return over the same route. (7) Between Columbia, SC and Greenville, SC: From Columbia over Interstate Hwy 126 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction U.S. Hwy 276, then over U.S. Hwy 276 to Greenville, and return over the same route. (8) Between Columbia, SC and the GA–SC State Line at or near North Augusta, SC: From Columbia over U.S. Hwy 378 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction U.S. Hwy 25, then over U.S. Hwy 25 to the GA–SC State line at or near North Augusta, SC and return over the same route. (9) Between Columbia, SC and the NC–SC State line: over U.S. Hwy 21. (10) Between Columbia, SC and Spartanburg, SC: From Columbia over Interstate Hwy 126 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction U.S. Hwy 221, then over U.S. Hwy 221 to Spartanburg, and return over the same route. (11) Between Florence, SC and Rock Hill, SC: From Florence over U.S. Hwy 52 to junction SC Hwy 151, then over SC Hwy 151 to junction SC Hwy 903, then over SC Hwy 903 to junction U.S. Hwy 521, then over U.S. Hwy 521 to junction SC Hwy 5, then over SC Hwy 5 to Rock Hill, and return over the same route. (12) Between Greenville, SC and Spartanburg, SC: From Greenville over U.S. 29 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction U.S. Hwy 176, then over U.S. Hwy 176 to Spartanburg, and return over the same route. (13) Between Honea Path, SC and junction U.S. Hwy 25 and Interstate Hwy 20 near Belvedere SC: From Honea Path over U.S. Hwy 178 to junction U.S. Hwy 25, then over U.S. Hwy 25 to junction U.S. Hwy 25 and Interstate Hwy 20 near Belvedere, SC, and return over the same route. (14) Between Rock Hill, SC and Spartanburg, SC: From Rock Hill over SC Hwy 5 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction U.S. Hwy 221, then over U.S. Hwy 221 to Spartanburg, and return over the same route. Service is authorized in connection with Routes (1) through (14) above at all intermediate points and at all off-route points in SC. (Hearing site: Columbia, SC.)

Note.—Applicant does not here seek to serve any points it cannot presently serve. Applicant seeks to convert present irregular route authority to regular route authority.

MC 108207 (Sub-493F), filed January 15, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic* and *resin impregnated broadgoods* and *rovings,* in vehicles equipped with mechanical refrigeration, from Los Angeles, CA, to Phoenix, AZ and Denver, CO. (Hearing site: Los Angeles, CA or Dallas, TX.)

MC 113666 (Sub-150F), filed February 8, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M Street, NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractory products, materials* and *supplies* used in the production and installation of refractory products, (except liquid commodities, in bulk, in tank vehicles), *brick,* and *insulation material,* from Whitlock, TN, Selma, AL, Girrard, Rockdale, and Chicago, IL, Gary, IN, Old Bridge, NH, and points in Henry County, TN, and Grundy County, IL, to (a) points in the United States in and east of WI, IL, KY, TN, and MS, and (b) ports of entry on the international boundary line between the United States and Canada at points in ME, NH, VT, NY, MI, and MN. (Hearing site: Chicago, IL, or Pittsburgh, PA.)

MC 114896 (Sub-71F), filed January 11, 1979. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *money, currency, coin, bullion, notes, certificates, bonds, securities, food stamps and other articles of unusual value,* (1) between Baltimore, MD; Richmond, VA and points in DC, and (2) between Charlotte, NC, on the one hand, and, on the other, points in SC, under continuing contract(s) with Federal Reserve Bank of Richmond, VA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 115826 (Sub-405F), filed February 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., 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 *honeycomb cellular boards, honeycomb cellular blocks or honeycomb cellular panels, fibreboard, paper,* and *metal,* from the facilities of Hexcel Corporation at or near Casa Grande, AZ to Pascogoula, MS, and St. Louis, MO. (Hearing site: Denver, CO.)

MC 116947 (Sub-69F), filed January 22, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, GA 30310. Representative: Wm. Addams, Suite 212, 5299 Roswell Road, NE., Atlanta, GA 30342. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal containers, metal container ends, pallets, paper shrouds, chipboard, decorated tin plate in sheets, bottle caps,* between the facilities of Crown Cork & Seal Co. located at points in GA, IL, MD, MA, MN, NJ, OH, PA, SC, TX

and VA, and (2) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of metal containers, between the facilities named in (1) above and those points in the United States in and east of MN, IA, KA, OK and TX, under continuing contract(s) with Crown Cork & Seal Co. of Philadelphia, PA. (Hearing site: Atlanta, GA.)

MC 124887 (Sub-73F), filed February 16, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in Florida west of the west boundary of Jefferson County, FL, to those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124887 (Sub-74F), filed February 26, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick and structural facing tile*, (1) from points in Bastrop County, TX, to points in the United States in and east of ND, SD, NE, KS, OK and TX, and (2) from East Canton, OH, to points in MS, LA and TX. (Hearing site: Jacksonville, FL or Atlanta, GA.)

MC 124887 (Sub-75F), filed February 22, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building and construction materials*, between points in AL, FL, GA, LA, MS, NC, SC, and TN, restricted to the transportation of shipments moving from or to the facilities of Best Steel Products. (Hearing site: Jacksonville, or Tallahassee, FL.)

MC 126717 (Sub-15F), filed December 4, 1978, previously noticed in the FR issue of April 26, 1979. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin Street, Evansville, IN 47711. Representative: Warren C. Moberly, 320 North Meridian Street, Suite 777, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trucks* (except trucks weighing less than 1500 pounds), and (2) *mine, well*, or *quarry-drilling equipment* and *A-Frames* in drive-away service, in secondary movements, (a) from Waverly, IA, Bryan, OH, and Chattanooga, TN, to Ashland, Corbin, and Louisville, KY, and Evansville and Indianapolis, IN, (b) from Ashland and Corbin, KY to points in OH, (c) from Louisville, KY, to those points in IN or and south of Interstate Hwy 70, including Indianapolis, IN, (d) from Evansville, IN, to those points in KY on and west of U.S. Hwy 65, and in IL on and south of U.S. Hwy 70, (e) from Indianapolis, IN, to Louisville, KY, (f) from Olathe, KS, and Minneapolis, MN, to Indianapolis, IN, and (g) from Indianapolis, IN, to points in Darke, Clark, Franklin, Greene, Madison, Miami, Montgomery, and Preble Counties, OH, and Vermilion and Gallatin Counties, IL. (Hearing site: Indianapolis, IN, or Washington, DC.)

Note.—This republication is to show in part (a) Bryan, OH, and Chattanooga, TN, as origin points.

MC 140826 (Sub-2F), filed January 11, 1979. Applicant: STEVE LARSSON HOMER, d.b.a. MAR AIR BUS CO., P.O. Box 422, Haines, AK 99827. Representative: L. B. Jacobson, P.O. Box 1211, Juneau, AK 99802. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, between Skagway, AK and port of entry on the international boundary line between the United States and Canada on the Skagway-Carcross Highway, serving all intermediate points on the Skagway-Carcross Hwy in the United States. (Hearing site: Haines or Skagway, AK.)

MC 141426 (Sub-24F), filed January 22, 1979. Applicant: WHEATON CARTAGE CO., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *medical, surgical and hospital supplies* from Ocala, FL, to points in NJ, GA, and IL, under a continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 143346 (Sub-4F), filed February 21, 1979. Applicant: BILLY JACK HOLLINGSWORTH, d.b.a. HOLLINGSWORTH GRAIN & TRUCKING, P.O. Box 384, Sanger, TX 76266. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feeds and ingredients*, from points in AR, LA, MS, OK and TN, to points in AR, OK and TX. (Hearing site: Fort Worth or Dallas, TX.)

MC 145216 (Sub-1F), filed February 23, 1979. Applicant: SUNSHINE EXPRESS OF WILSON, INC., 2603 Canal Drive, Wilson, NC 27893. Representative: Donald E. Pedigo (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between railroad ramps located at or near Rocky Mount, Smithfield, Goldsboro, Greenville, and Wilmington, NC, on the one hand, and, on the other, points in NC, restricted to the transportation of shipments having a prior or subsequent movement by rail in trailer-on-flatcar service. (Hearing site: Wilson, NC.)

MC 146347F, filed February 1, 1979. Applicant: M. W. ODOM d.b.a. ANCO SHIPPING COMPANY, 26 S. Hanford Street, Seattle, WA 98134. Representative: Susan W. Carlson, 1215 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nonalcoholic beverages* (except in bulk, in tank vehicles), between Lewiston, ID, on the one hand, and, on the other, Seattle and Tacoma, WA, and Anchorage and Fairbanks, AK, and points on the Kenai Peninsula, AK, restricted to the transportation of traffic at Seattle and Tacoma, WA, and Anchorage, AK, having a prior or subsequent movement by water, under a continuing contract(s) with Clearwater Beverages, Inc., of Lewiston, ID. (Hearing site: Seattle, WA.)

MC 146447F, filed February 23, 1979. Applicant: TANBAC, INC., P.O. Box 593278, Miami, FL 33159. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are manufactured and distributed by a manufacturer of leisure, recreational, household, and institutional products, and *materials, supplies and equipment* used in the manufacture and distribution of such commodities (except in bulk), between the facilities of King-Seeley

Thermos Co. at Norwich, CT, Macomb, IL, and Anaheim, CA, on the one hand, and, on the other, points in the United States (including AK but excluding HI), under a continuing contract(s) with King-Seeley Thermos Co. of Norwich, CT. (Hearing site: Hartford, CT or Boston, MA.)

MC 146406F, filed February 28, 1979. Applicant: PATRICK HILLER LYONS, GERALD L. ROBINSON d.b.a. L AND R TRANSPORT, 1520 Fairmont Court, Clovis, NM 88101. Representative: William F. Carr, P.O. Box 2208, Santa Fe, NM 87501. 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), (1) between Amarillo and Lubbock, TX, on the one hand, and, on the other, Carlsbad and Hobbs, NM, (2) between Amarillo, TX, and Roswell, Clovis, and Portales, NM, (3) between Lubbock, TX, and Clovis, NM, and (4) between El Paso, TX, and Carlsbad and Las Cruces, NM. (Hearing site: Albuquerque, NM, or Amarillo, TX.)

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[Volume No. 103]

Permanent Authority Decisions

Decided: June 15, 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 were allowed to filings prior to March 1, 1979) *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) 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, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those 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 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 to timely 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 an 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 administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., 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 present and future 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. section 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 enivronment 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 petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. section 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. section 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 other authority, such duplication shall be construed as conferring only 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 Number 2, Members Liberman, Eaton, and Boyle.

H. G. Homme, Jr.,

Secretary.

MC 8973 (Sub-55F), filed March 19, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To

operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, plastics, and plastic products* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near (a) Mankato, MN, (b) Newark, OH, (c) Clinton, MA, and (d) Chicago, Morris, Mapleton, and Streamwood, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 16903 (Sub-68F), filed April 4, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, In 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ground limestone*, in bags, from Houston, TX, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Washington, DC.)

MC 27063 (Sub-24F), filed April 3, 1979. Applicant: LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, MD 21230. Representative: S. Harrison Kahn, Suite 733, Investment Bldg., 1511 K Street, NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hangers and hanger wire*, from Baltimore, MD, to New York, NY, and those points in NJ on and north of NJ Hwy 33, under continuing contract(s) with The Cleaners Hanger Company of Baltimore, MD. (Hearing site: Baltimore, MD.)

MC 61592 (Sub-442F), filed April 4, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, over interstate or foreign commerce, over irregular routes, transporting *containers and container parts*, from the facilities of Blackhawk Molding Company, Inc., at or near Addison, IL, to points in the United States (except AK and HI.)

MC 61592 (Sub-443F), filed April 2, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rubber articles* (except in bulk), from Franklin, KY, and Hot Springs, AR, to points in AZ and CA; and (2) *antifreeze preparations*, in containers, from Kansas City, MO, to points in CO, IA, ID, MT, NE, UT, and WY. (Hearing site: Louisville, KY.)

MC 72243 (Sub-62F), filed April 3, 1979. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, OH 44482. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20423. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles*, from Scottsboro, AL, to points in MA, CT, MD, NJ, and RI. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 80262 (Sub-2F), filed April 4, 1979. Applicant: SOUTH ATLANTIC BONDED WAREHOUSE, CORPORATION, 2020 E. Market St., Greensboro, NC 27402. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *appliances, carpet, carpet cushioning, heating units, air conditioning units, and kitchen cabinets*, from Greensboro, NC to points in VA, Fayette, Greenbriar, Logan, McDowall, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties, WV, Carter, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties, TN, and Floyd, Harlan, Johnson, Knott, Leslie, Letcher, Martin, Perry, and Pike Counties, KY. (Hearing site: Greensboro or Raleigh, NC.)

MC 89723 (Sub-72F), filed March 22, 1979, Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Representative: Robt. S. Davis (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Remington Arms Company, Inc., at or near Lonoke, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Washington, DC.)

MC 92633 (Sub-30F), filed March 29, 1979. Applicant: ZIRBEL TRANSPORT, INC., Box 933, Lewiston, ID 83501. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid glues and resins*, from the facilities of (a) Monsanto Plastic and Resins Company, at Eugene, OR, (b) Reichhold Chemicals, Inc., at Tacoma, WA, and White City, OR, (c) Pacific Resins and Chemicals, Inc., at Eugene and Portland, OR, and (d) Borden Chemical, Division of Borden, Inc., at (i) Island City, OR, and (ii) Missoula, MT, to the facilities of Potlatch Corporation, at Lewiston, Post Falls, St. Maries, and Jay Pe, ID. (Hearing site: Spokane or Seattle, WA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. Section 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 103993 (Sub-955F), filed April 4, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Hwy 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition board*, from the facilities of Abitibi Corporation, at or near Blountstown, FL, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Detroit, MI.)

MC 103993 (Sub-958F), filed April 4, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Hwy 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition board*, from the facilities of Abitibi Corporation, in Lucas County, OH, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Detroit, MI.)

MC 105813 (Sub-253F), filed April 2, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 2009, Ocala, Fl 32670. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic liquors and*

wines, (except commodities in bulk), from Pekin, IL, to points in FL. (Hearing site: Tampa, Fla.)

MC 107403 (Sub-1186F), filed April 4, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (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 Louisville, KY, to those points in the United States in and east of MN, IA, MO, KS, AR,and TX (except OK). (Hearing site: Washington, DC.)

MC 107403 (Sub-1187F), filed April 4, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 10950. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *condensed fish solubles*, in bulk, in tank vehicles, from Gloucester, MA, to the port of entry on the international boundary line between the United States and Canada at or near Niagara Falls, NY. (Hearing site: Washington, DC.)

MC 108053(Sub-159F), filed April 2, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from the facilities of John Morrell & Co., at or near (a) Sioux Falls, SD, and (b) Wichita and Arkansas City, KS, to points in AZ, CA, and NM, and (2) from the facilities of John Morrell & Co., at or near Sioux Falls, SD, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV,and DC, restricted, in (1) and (2), to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 108473 (Sub-45F), filed March 19, 1979. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, MA 02187. To operate as *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); (1) between St. Albans, VT, and Champlain, NY; from St. Albans over U.S. Hwy 7 to Swanton, VT, then over VT Hwy 78 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction NY Hwy 9B, then over NY Hwy 9B to junction U.S. Hwy 11, then over U.S. Hwy 11 to Champlain, and return over the same route; (2) between Burlington, VT, and Plattsburgh, NY: from Burlington over U.S. Hwy 2 to junction VT Hwy 314, then over VT Hwy 314 to Lake Champlain then over Lake Champlain by ferry to Cumberland Head, NY, the over NY Hwy 314 to junction U.S. Hwy 9, then over U.S. Hwy 9 to Plattsburgh and return over the same route; (3) between Burlington, VT, and Plattsburgh, NY, from Burlington over Lake Champlain by ferry to Port Kent, NY then over NY Hwy 373 to junction U.S. Hwy 9, then over U.S. Hwy 9 to Plattsburgh, and return the same route; (4) between Vergennes, VT, and Elizabethtown, NY: from Vergennes over VT Hwy 22A to junction VT Hwy 17, then over VT Hwy 17 to junction NY Hwy 8, then over NY Hwy 8 to junction NY Hwy 9N, then over NY Hwy 9N to Elizabethtown, and return over the same route; (5) between Middlebury, VT, and junction VT Hwy 125 and VT Hwy 17, over VT Hwy 125; (6) between junction NY Hwy 8 and NY Hwy 9N and Lake George, NY, over NY Hwy 9N; (7) between Rutland, VT, and Ticonderoga, NY: from Rutland over U.S. Hwy 5 to Whitehall, NY, then over NY Hwy 22 to Ticonderoga, and return over the same route; (8) between Whitehall and Glens Falls, NY: from Whitehall over U.S. Hwy 4 to Hudson Falls, NY, then over NY Hwy 254 to Glens Falls, and return over the same route; (9) between Rutland, VT, and Saratoga Springs, NY: from Rutland over U.S. Hwy 4 to junction VT Hwy 22A, then over VT Hwy 22A to junction NY Hwy 22A, then over NY Hwy 22A to junction NY Hwy 22, then over NY Hwy 22 to junction NY Hwy 29, then over NY Hwy 29 to Saratoga Springs and return over the same route; (10) between Bennington, VT, and Round Lake, NY; from Bennington over VT Hwy 67A to junction VT Hwy 67, then over VT Hwy 67 to junction NY Hwy 67, then over NY Hwy 67 to Round Lake, and return over the same route; (11) between Bennington, VT, and Latham, NY: from Bennington over VT Hwy 9 to junction NY Hwy 7, then over NY Hwy 7 to Latham, NY, and return over the same route; (12) between Arlington, VT, and Saratoga Springs, NY: from Arlington over VT Hwy 313 to junction NY Hwy 313, then over NY Hwy 313 to junction NY Hwy 372, then over NY Hwy 372 to junction NY Hwy 29, then over NY Hwy 29 to Saratoga Springs, and return over the same route; (13) between junction NY Hwy 8 and NY Hwy 22, and Keeseville, NY, over NY Hwy 22; (14) serving in connection with routes (1) through (13) above, all intermediate points and off-route points, in VT, and in Clinton, Essex, Rensselaer, Saratoga, Warren, and Washington Counties, NY. (Hearing site: Boston, MA.)

MC 108473 (Sub-46F), filed March 19, 1979. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: Francis P. Barrett, P.O. Box 238, 60 Adams Street, Milton, MA 02187. To operate as *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), (1) between Binghamton, NY, and Baltimore, MD: from Binghamton over U.S. Hwy 11 to Kingston, PA, then over PA Hwy 309 to junction U.S. Hwy 209 near Tamaqua, PA, then over U.S. Hwy 209 to junction PA Hwy 61 at Pottsville, PA, then over PA Hwy 61 to junction U.S. Hwy 222 at Reading, PA, then over U.S. Hwy 222 to Lancaster, PA, the over U.S. Hwy 30 to York, PA, then over U.S. Hwy 83 to Baltimore, and return over the same route (2) between Reading and Philadelphia, PA, over U.S. Hwy 422, (3) between Newburgh, NY, and Scranton, PA, over U.S. Hwy 84, and (4) serving in connection with routes (1), (2) and (3) above, all intermediate points and off-route points in Bradford, Lakawanna, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, PA. (Hearing site: Boston, MA.)

MC 111812 (Sub-621F), filed April 2, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, 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), from the facilities used by Wilson Foods Corporation, at Logansport, IN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 112713 (Sub-263F), filed April 4, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (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, commodities in bulk, and those requiring special equipment), serving the facilities of Firestone Steel Products Company, near Henderson, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113362 (Sub-350F), filed March 30, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 E. Broadway, Eagle Grove, IA 50533. Representative: Wilton D. Adams, 1105½ Eighth Ave., NE., P.O. Box 429, Austin, MN 55912. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *laundry appliances and kitchen appliances*, and (2) *parts for the commodities named in (1)*, from the facilities of Maytag Company, at or near Newton, IA, to points in TX, AR, LA, MS, AL, OK, and TN. (Hearing site: Des Moines, IA, or Washington, DC.)

MC 114132 (Sub-6F), filed April 2, 1979. Applicant: CHURN'S TRUCK LINES, INC., P.O. Box 188, Eastville, VA 23347. Representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. 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-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), between the facilities of The Smithfield Packing Co., Inc., at or near (a) Smithfield, Suffolk, and Norfolk, VA, and (b) Kinston, NC, on the one hand, and, on the other, points in MA, RI, CT, NY, PA, NJ, DE, MD, VA, NC, SC, GA, FL, and DC. (Hearing site: Norfolk, VA.)

MC 114273 (Sub-580F), filed March 29, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles, rough steel grinding balls, and iron and steel crusher parts*, and (2) *mine cars, mine car parts, railway cars, railway car parts, metal rolling mill parts, annealing furnace parts, blast furnace parts, coke oven parts, machine castings, and finished rolling mill machinery rolls*, from the facilities of U.S. Steel Corporation, at Braddock, Clairton, Duquesne, Dravosburg, Homestead, Johnstown, McKeesport, McKees Rocks, Pittsburgh, and Vandergrift, PA, to Rock Island, IL, and points in MN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-584F), filed April 4, 1979. Applicant: CRST, INC, P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed ingredients* (except in bulk, in tank vehicles), from Cedar Rapids, IA, to points in IL, IN, MI, OH, PA, and MD. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114632 (Sub-211F), filed April 2, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ferro alloys and calcium carbide*, from Alloy, WV, and Ashtabula and Marietta, OH, to points in MN and WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 115162 (Sub-467F), filed March 19, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Box Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing materials*, from Mobile, AL, to Atlanta and Columbus, GA, Marianna, FL, Memphis, TN, Houston, TX, points in Harris County, TX, those points in FL on and west of U.S. Hwy 231, and those points in MS on U.S. Hwy 90 between Gulfport, MS, and the AL-MS State line, including Gulfport. (Hearing site: New York, NY, or Washington, DC.)

MC 115322 (Sub-168F), filed April 4, 1979. Applicant: REDWING REFRIGRATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. 13th St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foods*, from Benton Harbor, Frankfort, and Hart, MI, to points in AL, CT, DE, FL, GA, LA, ME, MD, MS, NH, NJ, NY, NC, PA, SC, TN, VT, VA, WV, and DC; (2) *confectonery*, in vehicles equipped with mechanical refrigeration, from the facilities of M&M/MARS, division of MARS Incorporated, at Elizabeth, Elizabethtown, and Hackettstown, NJ, to points in NC, SC, GA, FL, AL, MS, TN, and LA; and (3) *ground clay and absorbents*, from the facilities of Waverly Mineral Products Co., in Thomas County, GA, to those points in the United States in and east of ID, NV, and AZ. (Hearing site: Washington, DC.)

MC 115322 (Sub-169F), filed April 3, 1979. Applicant: REDWING REFRIGRATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg.,Pennsylvania Ave. 13th St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (1) between points in VA, WV, MD, DE, NJ, PA, NY, CT, RI, MA, VT, NH, ME, and DC, on the one hand, and, on the other, points in FL, (2) between points in VA, WV, MD, DE, NJ, PA, NY, CT, RI, MA, VT, NH, ME, and DC, on the one hand, and, on the other, Alexandria, VA, and (3) between Jacksonville and Orlando, FL, on the one hand, and, on the other, points in FL, restricted in (2) and (3) above, to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Buffalo, NY, or Orlando, FL.)

MC 116632 (Sub-23F), filed April 4, 1979. Applicant: H. O. BOUCHARD, INC., MRC 141 A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Portland, ME 04112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pre-cut log buildings, and such commodities as are used in the construction of pre-cut log buildings*, from Bangor, ME, to points in NH, VT, MA, CT, RI, NY, NJ, PA, OH, MI, WV, DE, MD, VA, NC, SC, GA, IL, WI, KY, IN, and DC; and (2) *lumber*, from points

in Piscataquis County, ME, to points in NH, VT, MA, CT, RI, NY, NJ, PA, DE, and MD. (Hearing site: Portland, ME, or Boston, MA.)

MC 116632 (Sub-24F), filed April 4, 1979. Applicant: H. O. BOUCHARD, INC., MRC 141 A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Portland, ME 04112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *woodpulp*, in bales, from Woodland, ME, to Gilman, VT, Lyons Falls and Plattsburg, NY, and Reading PA. (Hearing site: Portland, ME, or Boston, MA.)

MC 119493 (Sub-278F), filed April 2, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new furniture*, from the facilities of La-Z-Boy Midwest Company, at or near Neosho, MO, to points in ND, SD, MN, WI, IL, MI, IN, KY, AL, GA, OH, VA, WV, NC, and SC; and (2) *materials and supplies used in the manufacture or distribution of new furniture*, (except commodities in bulk), in the reverse direction. (Hearing site: Kansas City or Springfield, MO.)

MC 123272 (Sub-26F), filed April 2, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers and continer closures*, from Mason, OH, to points in the United States (except AK, HI, WA, OR, CA, ID, NV, UT, and AZ), and (2) *materials and supplies* used in the manufacture and distribution for the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL.)

MC 124692 (Sub-271F), filed March 19, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pre-cut buildings, knocked down*, and (2) *materials and supplies* used in the construction of the commodities in (1) above, from the facilities of Capp Homes, Inc., at or near Elk Grove, CA, to points in AZ and NV. (Hearing site: San Francisco, CA.)

MC 125433 (Sub-227F), filed March 29, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical controllers, and parts and accessories* for electrical controllers, from the facilities of Golden Gate Switchboard Company, at Napa, CA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125433 (Sub-230F), filed March 29, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *self-propelled vehicles*, in truckaway service, (except motor vehicles as defined in 49 U.S.C. § 10102 (14) (formerly Section 203(a)(13) of the Interstate Commerce Act), and (2) *parts, attachments, and accessories for the commodities in (1) above*, from the facilities of Broderson Manufacturing Corp., at or near Lenexa, KS, to points in the United States (except AK and HI). (Hearing site: Denver, CO or Salt Lake City, UT.)

MC 127042 (Sub-256F), filed April 2, 1979. Applicant: HAGEN, INC., P.O. Box 98–Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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 Milwaukee, WI, to points in UT. (Hearing site: Milwaukee, WI.)

MC 128273 (Sub-342F), filed April 2, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper and paper products (except commodities in bulk, in tank vehicles), from the facilities of Daniels Packaging Co., Inc., at or near Hendersonville, NC, to points in the United States (except AK and HI), and (2) *paper and paper products, and woodpulp* (except commodities in bulk, in tank vehicles), from the facilities of Federal Paper Board Co., Inc., at or near Riegelwood and Cape Fear, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, WI, WY and DC, restricted in (1) and (2) to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 133492 (Sub-15F), filed April 4, 1979. Applicant: CECIL CLAXTON, Route 3, Box 7, Wrightsville, GA 31096. Representative: Ronald K. Kolins, Fairfax Plaza, Suite 520, 700 N. Fairfax St., Alexandria, VA 22314. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, (a) from Peoria, IL, Milwaukee, WI, Newark, NJ, Miami, FL, and Norfolk, VA, to Dublin and Waycross, GA, and Phenix City, AL, and (b) from Newport, KY, to Dublin and Savannah, GA; and (2) *wine*, (a) from Atlanta, GA, to Phenix City, AL, and (b) from Chicago, IL, and Hammondsport, NY, to Athens and Dublin, GA. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 134783 (Sub-47F), filed March 19, 1979. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *drugs, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements*, and (b) *materials and supplies* used in the manufacture of the commodities in (1)(a) above (except commodities in bulk), from the facilities of Eli Lilly and Company, at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Indianapolis, IN or Lubbock, TX.)

Note.—Dual operations may be involved.

MC 135283 (Sub-48F), filed April 4, 1979. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 S. 14th St., P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the facilities of John Morrell & Co., at or near Estherville, IA, to points in IL and MO, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 136553 (Sub-72F), filled April 4, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 E. 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *snow removal equipment*, from Dubuque, IA to points in the United States (except AK and HI); (2) *building materials*, from Dubuque, IA, to points in IA; and (3) *silica sand*, from Clayton, IA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 138882 (Sub-237F), filed April 4, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from Laredo, TX, to points in FL. (Hearing site: Washington, DC.)

MC 140612 (Sub-63F), filled April 2, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *retail store fixtures*, from the facilities of Lozier Corporation, at or near (a) Omaha, NE, and (b) Scottsboro, AL, to points in AZ, CA, ID, NV, OR, TX, NM, UT, and WA. (Hearing site: Omaha, NE.)

MC 140612 (Sub-64F), filed April 4, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rubber articles and plastic articles, and materials, equipment, and supplies* used in the manufacture and distribution of rubber articles and plastic articles (except commodities in bulk, in tank vehicles), between the facilities of Entek Corporation of America, at or near Irving, TX, on the one hand, and, on the other, those points in the United States in and west of MI, OH, KY, TN, NC, SC, GA, and FL (except AK and HI). (Hearing site: Dallas, TX)

MC 141402 (Sub-33F), filed March 29, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) (a) *non-carbonated, fruit-flavored beverages*, in cans, (b) *dry beverage preparations, and* (c) *juices*, in cans, from the facilities of Penny Products, Inc., at or near Trafalgar, IN, to points in OH, IL, KY, WV, VA, TN, MN, WI, MI, and MO; and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)* above, in the reverse direction, under continuing contract(s) in (1) and (2) above with Penny Products, Inc., of Trafalgar, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141443 (Sub-14F), filed April 4, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 E. Denton, Sapulpa, OK 74066. 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 (1) *canned goods*, from Gentry, Van Buren, Alma, Springdale, Siloam Springs, Lowell, and Fort Smith, AR, and Westville, OK, to points in AZ, CA, CO, NV, NM, OK, and TX; and (2) *canned dog food*, from Gentry, AR, to points in AZ, CA, and OK. Condition: Prior or coincidental cancellation of permits in Nos. MC–124656 Sub 2, served January 8, 1972, and Sub 4, served February 8, 1973, already requested by applicant. (Hearing site: Tulsa or Oklahoma city, OK.)

Note.—Dual operations may be involved.

MC 145072 (Sub-12F), filed March 26, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Ave., Germantown, TN 38138. Representative: A. Doyle Cloud, Jr. 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural chemicals, and materials, equipment, and supplies used in the manufacture or distribution of agricultural chemicals* (except commodities in bulk), between points in AL, AR, FL, GA, LA, MS, NJ, NC, OK, PA, SC, TN, TX, and VA, restricted to the transportation of traffic originating at or destined to the facilities of the Helena Chemical Company. (Hearing site: Memphis, TN.)

Note.—Dual operations may be involved.

MC 145203 (Sub-1F), filed April 2, 1979. Applicant: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic automobile parts*, (2) *containers used in the transportation of plastic automobile parts*, (3) *equipment, materials and supplies* used in the manufacture of the commodities in (1) and (2) above, between North Baltimore, OH, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Columbus, OH or Washington, DC.)

MC 145392 (Sub-2F), filed April 3, 1979. Applicant: RAJOR, INC., 100 Beta Dr., P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation *fireplaces and chimneys*, from Lywood, CA, to those points in the United States in and east of MN, IA, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145423 (Sub-5F), filed April 2, 1979. Applicant: C. VAN BOXELL TRANSPORTATION COMPANY, a corporation, 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation (1) *roofing*, (2) *roofing*

insulation, and (3) *materials, equipment, and supplies* used in the installation or manufacture of the commodities in (1) and (2) above, between the facilities of Ownens Corning Fiberglas Corporation, at or near (a) Brookville, IN, (b) Detroit, MI, (c) Medina, OH, and (d) Summit, IL, on the one hand, and, on the other, points in KY, MI, and PA. (Hearing site: Detroit, MI.)

MC 145722 (Sub-1F), filed April 3, 1979. Applicant: REM LEASING, INC., 114 Royal Rd., Jamestown, NC 27282. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation (1) *fabrics*, from High Point, Burlington, Concord, and Shelby, NC, Layman and Rock Hill, SC, and Atlanta, CA, to Tulsa, OK, Atlanta, GA, and Los Angeles, CA; and (2) *materials, equipment, and supplies* used in the manufacture or distribution of fabrics, (a) from Los Angeles, CA, to Atlanta, GA, and Tulsa, OK, and (b) from Tulsa, OK, to Atlanta, GA. (Hearing site: Charlotte, NC.)

MC 146102 (Sub-2F), filed March 27, 1979. Applicant: TAMWAY CORPORATION, 401 Poinsettia Drive, Simpsonville, SC 29681. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation *insulation materials* from points in IN and GA to points in SC. (Hearing site: Greenville, SC.)

MC 146102 (Sub-3F), filed March 27, 1979. Applicant: TAMWAY CORPORATION, 401 Poinsettia Drive, Simpsonville, SC 29681. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transportation *industrial chemicals, adhesives, solvents, cotton softeners, and cleaning compounds* (except commodities in bulk), between Greenville and Simpsonville, SC, on the one hand, and, on the other, these points in the United States in and east of TX, OK, MO, IA, and MN. (Hearing site: Greenville, SC.)

MC 146213 (Sub-3F), filed March 19, 1979. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of Sanna Division, Beatrice Foods Co., at or near Cameron, Eau Claire, Menomonie, Vesper, and Wisconsin Rapids, WI, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 146213 (Sub-4F), filed March 9, 1979. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Jack Meyer, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles, vinyl rolls, and fiberglass* (except commodities in bulk), from Stratford, CT, Burlington and Butler, NJ, Deer Park and New York, NY, Cleveland and Toledo, OH, and Jeannette, PA, to the facilities of Troy Plastics Corp., at Burlington, WI, restricted to the transportation of traffic originating at the named origins and destined to the named destination facilities. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 146213 (Sub-5F), filed March 15, 1979. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Jack Meyer, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Paper and paper products, cleaning compounds, and plastic containers and dispensers* for cleaning compounds (except commodities in bulk), from the facilities of Bay West Paper Company, at Green Bay, WI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Milwaukee, or Madison, WI.)

Note.—Dual operations may be involved.

MC 146423 (Sub-4F), filed March 29, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517 To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *photographic and reproduction equipment*, and *parts and accessories* for photographic and reproductive equipment, in vehicles equipped with mechanical refrigeration, from Binghamton, Vestal, and Johnson City, NY, to Arlington, TX, Denver, CO, and points in CA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in vehicles equipped with mechanical refrigeration, in the reverse direction. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 146432 (Sub-1F), filed April 2, 1979. Applicant: THE HIRT TRUCKING COMPANY, a corporation, 771 Walnut St., Fremont, OH 43420. Representative: John L. Alden, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H.J. Heinz Company, at or near (a) Fremont and Toledo, OH, and (b) Holland, MI, to points in AL, FL, GA, MS, and SC. (Hearing site: Columbus, OH, or Washington, DC.)

MC 146573 (Sub-4F), filed April 3, 1979. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., 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 Steel Corporation, at or near Chicago, IL, to points in IL, IA, and St. Louis, MO. (Hearing site: Chicago, IL.)

MC 146612F, filed March 29, 1979. Applicant: WEST SIDE IMPLEMENT CO., INC., Box 65, Wood Lake, MN 56297. Representative: Patrick J. Leary, 509 W. Main St., Marshall, MN 56258. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural implements and parts for agricultural implements*, from the facilities of Massey Ferguson, Inc., at (a) Detroit and Taylor, MI, and (b) Des Moines, IA, on the one hand, and, on the other, points in MN, and (2) between ports of entry on the international boundary line between the United States and Canada in MI, on the one hand, and, on the other, points in MN. (Hearing site: Granite Falls or Marshall, MN.)

MC 146613F, filed March 29, 1979. Applicant: RELIANCE WORLD WIDE MOVING, INC., 401 W. Columbia Ave., Philadelphia, PA 91922. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. To operate as a *common carrier*,

by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, between points in PA, NJ, DE, NY, MD, CT, and VA, restricted (1) to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and (2) to the performance of pickup and delivery service in connection with the packing, crating, or containerization, or the unpacking, uncrating, or decontainerization of such shipments. (Hearing site: Philadelphia, PA.)

MC 146742F, filed April 2, 1979. Applicant: H & F TRUCKING COMPANY, INC., R.R. 4, Mattoon, IL 61938. Representative: Robert W. Gardier, Jr., 100 E. Broad St., Columbus, OH 43215. 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 Champaign, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Jasper, Lawrence, Macon, Moultrie, Piatt, Richland, Shelby, and Vermilion Counties, IL, on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

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[Volume No. 96]

Permanent Authority Decisions

Decided: June 19, 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 section 11000.247). 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 were allowed to filings prior to March 1, 1979) *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) 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, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identify 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 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 to timely 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 an 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 administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness question, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future 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. section 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 petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. section 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. section 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 decison-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 other authority, such duplication shall be construed as conferring only 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 Number 3, Members Parker, Fortier and Hill.

H. G. Homme, Jr.,

Secretary.

MC 1824 (Sub-86F), filed March 9, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 918 16th St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Williamsburg, VA, and points in Isle of Wight, James City, and York Counties, VA as off-route points in connection with carrier's otherwise-authorized regular-route operations between Baltimore, MD and Norfolk, VA. (Hearing site: Washington, DC, or Norfolk, VA.)

MC 4405 (Sub-597F), filed March 8, 1979. Applicant: DEALERS TRANSIT, INC., 4221 South 68th E. Ave., P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, valves, fittings, and hydrants*, and (2) *parts and accessories* for the commodities named in (1) above, from Birmingham and Bessemer, AL, to points in IL, MI, and WI. (Hearing site: Birmingham, AL.)

MC 8535 (Sub-74F), filed March 12, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles* (except in bulk), from the facilities of the Weirton Steel Division of National Steel Corporation, at (a) Steubenville, OH, and (b) Weirton, WV, to points in IN. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 8535 (Sub-75F), filed March 12, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel pipe, pipe fittings, beams, pilings, rails, railway rails, railway track accessories, bridge and highway railings, pile drivers, and pile extractors*, and (2) *materials, equipment, and supplies* used in the manufacture, installation, dismantling, and distribution of the commodities in (1) above, between the facilities of L. P. Foster Company at Parkersburg and Washington, WV, on the one hand, and, on the other, points in IL, IN, NC, and TN. (Hearing site: Washington, DC.)

MC 13134 (Sub-63F), filed March 14, 1979. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles, machinery, plastic articles, and aluminum articles*, and (2) *materials, parts and supplies* used in the manufacture of the commodities in (1) above, and (3) *contractors' equipment and contractors' supplies*, between Neville Island, Warren and Bristol, PA, Baltimore, MD, Birmingham, AL, Des Moines, IA, and Marseilles, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Pittsburgh Des Moines Steel Company. (Hearing site: Columbus, OH, or Pittsburgh, PA.)

MC 14215 (Sub-27F), filed March 9, 1979. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. 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 Steel Corporation, at Alquippa and Pittsburgh, PA, to points in IN and OH. (Hearing site: Pittsburgh, PA.)

MC 18535 (Sub-67F), filed March 12, 1979. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, SC 29135. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. 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, and household goods as defined by the Commission), between Wilmington, NC, on the one hand, and, on the other, Charleston, SC, and Savannah, GA, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Columbia, SC, or Atlanta, GA.)

MC 26825 (Sub-27F), filed March 9, 1979. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfork, NE 68701. 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 *furniture*, from Burlington, IA, to points in the United States (except AK and HI). (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 26825 (Sub-30F), filed March 11, 1979. Applicant: ANDREWS VAN LINES, INC., Seventh & Park Ave., Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, 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 *such commodities* as are dealt in or used by manufacturers and distributors of metal tool boxes and utility boxes, tool chests, medical cabinets, benches, and shelves (except commodities in bulk), between the facilities of (1) Waterloo Industries, Inc., at or near (a) Waterloo, IA, (b) Pocahontas, AR, and (c) Sedalia, MO, and (2) Lumidor Manufacturing, Inc., at or near Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins or destined to the indicated destinations. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 52704 (Sub-210F), filed March 14, 1979. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal containers*, from the facilities of Kaiser Aluminum & Chemical Co., at or near Jacksonville, FL, to points in Greenboro, NC. (Hearing site: Atlanta, GA.)

MC 65665 (Sub-19F), filed March 12, 1979. Applicant: IMPERIAL VAN LINES, INC., 2805 Columbia St., Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *potting mixes*, from Hammond, LA, to points in the United States (except AK, HI, and LA). (Hearing site: Los Angeles, CA.)

MC 65895 (Sub-7F), filed March 8, 1979. Applicant: REDDAWAY'S TRUCK LINE, a corporation, 1721 N.W. Northrup Street, Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of American Industries, American Steel Building Products, and Pacific Steel Warehouse, at Portland, OR, to points in WA. (Hearing site: Portland, OR.)

MC 72495 (Sub-22F), filed March 14, 1979. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, WV 26070. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *granulated slag*, from the facilities of H. B. Reed & Co., Inc., at or near Cresap, WV, to points in NC and SC; (2) *granulated slag*, in bulk, from the facilties of H. B. Reed & Co., Inc. at or near Cresap, WV, to points in MD, PA (except those in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, PA), and those points in NY on and west of a line beginning at Oswego, NY and extending along NY Hwy 57 to Syracuse, then along U.S. Hwy 11 to the PA–NY State line; and (3) *iron and steel articles and lumber*, from points in VA, NC, and SC, to points in WV. (Hearing site: Columbus, OH.)

MC 89684 (Sub-105F), filed points March 8, 1979. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, UT 84110. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by mail-order houses and retail stores (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacturing and distribution of commodities dealt in by mail-order houses and retail stores, between Los Angles, CA, on the one hand, and, on the other, points in UT and NV, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Sears, Roebuck and Company. (Hearing site: Los Angeles, CA.)

MC 94635 (Sub-7F), filed March 8, 1979. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. To operate as *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand, gravel and stone*, (1) from points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, NJ, to points in CT, DE, ME, MD, MA, NH, NY, OH, RI, VT, VA, WV, PA (except points in Bucks, Berks, Lehigh, Lebanon, Lancaster, Chester, Delaware, Montgomery and Philadelphia Counties), and DC, under continuing contract(s) with New Jersey Silica Sand Co., of Millville, NJ, and (2) from Gore, VA, to points in MD, PA, and WV, under continuing contract(s) with Unimim Corp., of Greenwich, CT. (Hearing site: Washington, DC.)

MC 95084 (Sub-105F), filed March 12, 1979. Applicant: HOVE TRUCK LINE, a Corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural equipment and industrial equipment (except commodities in bulk) between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Kewanee Machinery Division, Chromalloy Farm & Industrial Equipment Co. (Hearing site: Chicago, IL.)

MC 97275 (Sub-35F), filed March 7, 1979. Applicant: ESTES EXPRESS LINES, a Corporation, 1405 Gordon Avenue, Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502 Solar Building, 1000 16th Street, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Winchester, VA, and junction NC Hwy 89, and Interstate Hwy 77, at or near Pine Ridge, NC, from Winchester over Interstate Hwy 81 to junction Interstate 77, then over Interstate Hwy 77 to junction NC Hwy 89 at or near Pine Ridge, NC, and return over the same route, (2) between Winchester, VA, and junction U.S. Hwy 601 and U.S. Hwy 52, at or near Mt. Airy, NC, from Winchester over Interstate Hwy 81 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction U.S. Hwy 601 at or near Mt. Airy, NC, and return over the same route, (3) between Winchester, VA, and Price, NC, from Winchester, over Interstate Hwy 81 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Price, and return over the same route, (4) between Winchester, VA, and Pelham, NC, from Winchester over Interstate Hwy 81 to junction U.S. Hwy 501, then over U.S. Hwy 501 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pelham, and return over the same route, (5) between Winchester, VA, and South Boston, VA, from Winchester over Interstate Hwy 81 to junction U.S. Hwy 501, then over U.S. Hwy 501 to South Boston, and return over the same route, (6) between South Boston, VA, and Pelham, NC, from South Boston over U.S. Hwy 58 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pelham, and return over the same route, (7) between Fairfax, VA, and South Boston, VA, from Fairfax over Interstate Hwy 66 to junction U.S. Hwy 29, then over U.S. Hwy 29 to junction U.S. Hwy 501, then over U.S. Hwy 501 to South Boston, and return over the same route, (8) between Fairfax, VA, and junction Interstate Hwy 81 and U.S. Hwy 211 at or near New Market, VA, from Fairfax over Interstate Hwy 66 to junction U.S. Hwy 211, then over U.S. Hwy 211 to junction Interstate Hwy 81 at or near New Market, for the purposes of joinder only, and return over the same route, (9) between Fairfax, VA, and Pelham, NC, from Fairfax over Interstate Hwy 66 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pelham, and return over the same route, (10) between North Augusta, SC, and Savannah, GA, from North Augusta over U.S. Hwy 25 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Savannah, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in (1) through (10) above. (Hearing site: Washington, DC, or Richmond, VA.)

MC 106074 (Sub-94F), filed March 12, 1979. Applicant: B & P MOTOR LINES, INC., Oakland Rd. and U.S. Hwy 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Summark, Inc., at

St. Louis, MO, to points in AL, FL, GA, NC, and SC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: St. Louis, MO, or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 106674 (Sub-366F), filed March 8, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing granules*, from the facilities of GAF Corporation at or near Annapolis, MO, to points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MS, OH, OK, TN, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-367F), filed March 8, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company at Rock Falls and Sterling, IL, to points in IA, IN, KY, MI, MN, MO, NE, ND, OH, PA, SD, TN, and WI, and (2) *materials and supplies* used in the manufacture and distribution of iron and steel articles, in the reverse direction. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-373F), filed March 12, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials* and *asbestos cement pipe* from the facilities of Johns Manville Sales Corporation, at or near Waukegan, IL, to points in AL, AR, CT, DE, FL, GA, LA, MD, MA, MI, MS, NJ, NY, NC, OK, PA, SC, TX, VA, WV, and DC, and (2) *plastic pipe*, from the facilities of Johns Manville Sales Corporation, at or near Wilton, IA, to points in AL, CT, DE, FL, GA, MD, MA, NJ, NC, SC, VA, WV, and DC, and (3) *insulation board*, (a) from the facilities of Johns Manville Perlite Corporation, at or near Rockdale, IL, to points in CT, DE, WV, MD, MA, MI, NJ, NY, PA, and DC, and (b) from the facilities of Johns Manville Sales Corporation, at or near Alexandria, IN, to MI, OH, and PA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-374F), filed March 14, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum siding*, from Southfield, MI, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-375F), filed March 14, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *acoustical materials* and (2) *materials, equipment, and supplies* used in the manufacture of acoustical materials, between Hagerstown, MD, and Plainfield, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-376F), filed March 16, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between Hamilton and Middletown, OH, on the one hand, and, on the other, points in IN, KY, TN, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Southwestern Ohio Steel. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-908F), filed March 9, 1979. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *treated wood products*, from points in Roane County, WV, Rock Bridge County, VA, Clearfield County, PA, Powell County, KY, and Brunswick County, NC, to those points in the United States in and east of WI, IL, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 107515 (Sub-1217F), filed March 12, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *agricultural commodities* which are otherwise exempt from economic regulation under Section 10526(a)(6) (formerly Section 203(b)(6)) of the Interstate Commerce Act, when moving in mixed loads with bananas, from Baltimore, MD, to points in OH, MI, IN, IL, MO, MN, IA, and Louisville, KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 111545 (Sub-275F), filed March 19, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lift trucks, parts for lift trucks, platforms, hydraulic working lifts, and parts for hydraulic working lifts*, from Santa Fe Springs, CA, to those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 111545 (Sub-276F), filed March 9, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *irrigation systems*, and *solar heating and cooling systems*, from Valley, NE, to points in CA, MN, IA, MO, WI, IL, KY, IN, MI, OH, WV, VA, MD, NJ, DE, PA, NY, MA, CT, RI, and TX, and (2) *pipe, tubing, light poles, mast arms, brackets, bases, and transmission poles*, from Valley, NE, to points in CA, MN, IA, MO, WI, IL, KY, IN, MI, OH, WV, VA, MD, NJ, DE, PA, NY, MA, CT, and RI. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 111545 (Sub-283F), filed March 23, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). 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 Nucor Steel at or near Jewett, TX, to points in CA, NE, KS, OK, MO, AR, IL, TN, LA, MS, AL, and GA. (Hearing site: Houston, TX, or Atlanta, GA.)

MC 113855 (Sub-477F), filed March 28, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities*, which because of size or weight, require the use of special equipment or special handling, (2) *self-propelled articles* (except passenger automobiles and buses), (3) *machinery*, (4) *parts, attachments and accessories* for (1) through (3) above, and (5) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) through (4) above (except commodities in bulk in tank vehicles), and (6) *metal articles*, between points in ME, NH, and VT, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Portland, ME.)

MC 114965 (Sub-63F), filed March 9, 1979. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquified petroleum gas*, in bulk, in tank vehicles, from Ringer Pipeline Terminal, at or near Paola, KS, to points in MO. (Hearing site: Kansas City, MO, or Topeka, KS.)

Note.—The certificate to be issued here shall be limited in points of time to a period expiring 5 years from the date of issuance.

MC 115554 (Sub-20F), filed March 12, 1979. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 89B, Hy. 218 and I–80, Rt. 6, Iowa City, IA 52240. 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 (1) *refrigerators, refrigeration equipment, electrical equipment, and appliances*, (2) *parts* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture, repair, and distribution of the commodities in (1) and (2) above, between Fayetteville, TN, on the one hand, and, on the other, points in IN, OH, CA, AZ, WA, ID, NV, OR, MI, IL, WI, and UT. (Hearing site: Memphis, TN, or Chicago, IL.)

MC 115955 (Sub-29F), filed February 15, 1979. Applicant: SCARI'S DELIVERY SERVICE, INC., Arnold Ave. & Skeet Rd., Greater Wilmington Airport, Wilmington, DE 19805. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. 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, those requiring special equipment, and motor vehicles), between Alexandria, VA, and Downingtown, PA, restricted to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flatcar service. (Hearing site: Philadelphia, PA.)

MC 118224 (Sub-4F), filed March 12, 1979. Applicant: STANDARD FRUIT & VEGETABLE CO., INC., 2111 Taylor St., Dallas, TX 75201. Representative: Lawrence A. Winkle, P.O. Box 455538, Dallas, TX 75245. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bananas*, between Gulfport, MS, and Dallas, TX. (Hearing site: Dallas, TX.)

MC 121454 (Sub-5F), filed March 12, 1979. Applicant: WALSH MESSENGER SERVICE, INC., 4 Third Ave., Garden City Park, New York, NY 11040. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, and points in Nassau, Suffolk and Westchester Counties, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, RI, PA, and DC, restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day. (Hearing site: New York, NY.)

Note.—Applicant states that it now holds general commodities authority with the usual and certain specific exceptions limited to shipments of 100 pounds in aggregate weight. This application is being submitted pursuant to the special procedure outlined in Ex Parte MC–98, *New Procedures in Motor Carrier Restructuring Proceedings*, decided March 20, 1978 to eliminate the above restrictions and secure authority as a small shipment carrier.

MC 123054 (Sub-26F), filed March 12, 1979. Applicant: R & H CORPORATION, 295 Grand Ave., Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers, closures of glass containers*, and *fiberboard boxes*, (1) from (a) Keyser, WV, and (b) the facilities used by Chattanooga Glass Company in MD and PA to points in OH, MI, and those points in PA and NY on and west of Interstate Hwy 81, and (2) from (a) Mount Vernon, OH, and (b) the facilities used by Chattanooga Glass Company, in OH, to points in PA, NY, NJ, MD, DE, VA, WV, and DC, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 123744 (Sub-50F), filed March 8, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractories*, from the facilities of Freeport Brick Company, at Freeport, Creighton, and Reesedale, PA, to ports of entry on the international boundary line between the United States and Canada, in NY and MI. (Hearing site: Washington, DC, or Harrisburg, PA.)

Note.—Dual operations may be involved.

MC 124174 (Sub-134F), filed March 6, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fiberboard containers and pulpboard containers*, from Butler, IN, to points in CO, IA, KA, MN, MO, ND, SD, NE, and WI. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 124174 (Sub-136F), filed March 16, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 67137. Representative: Karl E. Momsen (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, and hydrants*, and (2) *accessories*, for the commodities in (1) above, from the facilities of Clow Corporation, at or near Columbia, MO, to those points in the United States in and east of ND, SD, NE, KA, OK, and TX. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 125335 (Sub-52F), filed March 8, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, vehicle body sealers, and deadener compound* (except in bulk), and *filters*, from Congo and St. Marys, WV, to points in AL, AR, GA, FL, MS, NC, OK, SC, TN, and TX. (Hearing site: Pittsburgh or Harrisburg.)

MC 128555 (Sub-30F), filed March 1, 1979. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, FL 33561. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. 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 or used by grocery and food business houses, and (2) *materials and supplies* used in the manufacture, sales, and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The R. T. French Company, under continuing contract(s) with The R. T. French Company, of Rochester, NY. (Hearing site: Buffalo, NY.)

MC 129994 (Sub-33F), filed March 21, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *roofing materials and insulating materials*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from the facilities of GAF Corporation, at or near Denver, CO, to points in AZ, CA, and NV. (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 133095 (Sub-251F), filed March 14, 1979. Applicant: TEXAS–CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from Vienna, WV, Joliet, IL, and Coventry, RI, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Atlanta, GA.)

MC 133194 (Sub-7F), filed March 8, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., Highway 64 East, Russellville, AR 72801. Representative: Charles J. Lincoln, II, 1550 Tower Building, Little Rock, AR 72201. 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), between Alma and Bentonville, AR, over U.S. Hwy 71, serving all intermediate points. (Hearing site: Fort Smith, AR.)

Note.—Applicant indicates intentions to tack with existing authority.

MC 133194 (Sub-8F), filed March 8, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., Highway 64 East, Russellville, AR 72801. Representative: Charles J. Lincoln, II, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor carrier, 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), between Menifee, AR, and Memphis, TN, over Interstate Hwy 40, serving no intermediate points. (Hearing site: Little Rock, AR.)

Note.—Applicant indicates intentions to tack with existing authority.

MC 133655 (Sub-143F), filed March 12, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of floor coverings, between Cerritos and City of Industry, CA, on the one hand, and, on the other, points in CO, NM, OK, and TX. (Hearing site: Chicago, IL.)

MC 134064 (Sub-23F), filed March 9, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Hwy., Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Foodways National, Inc., at or near Wethersfield and Hartford, CT, to points in PA, MD, NJ, NY, DE, VA, GA, FL, OH, MI, IL, MN, and DC. (Hearing site: Hartford, CT, or Washington, DC.)

MC 134064 (Sub-25F), filed March 13, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products, 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), from the facilities of Shapiro Packing Company, at or near Augusta, GA, to those points in the United States in and east of LA, AR, MO, IA, and MN, restricted to the transportation of traffic originating at the named origin. (Hearing site: Atlanta or Augusta, GA.)

MC 134574 (Sub-31F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *nickel*, in containers, from ports of entry on the international boundary line between the United States and Canada in MT, ID, and WA, to points in AZ, CO, ID, NV, and UT. (Hearing site: Great Falls, MT.)

MC 134574 (Sub-32F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *fertilizer and fertilizer ingredients*, in bags, from ports of entry on the international boundary line between the United States and Canada in ND, MT, ID, and WA, to points in CO, ID, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Great Falls, MT.)

MC 134574 (Sub-33F), filed March 12, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate

as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equippped with mechanical refreigeration, from ports of entry on the international boundary line between the United States and Canada in WA to points in AZ, CA, NV, OR, and WA. (Hearing site: Great Falls, MT, or Seattle, WA.)

MC 134574 (Sub-34F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *permanent tire filler*, in containers, from points in Los Angeles County, CA, to the port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, MT. (Hearing site: Great Falls, MT.)

MC 134574 (Sub-35F), filed March 9, 1979. Applicant: FIGOL DISTRIBUTORS-LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *insulation*, from ports of entry on the international boundary line between the United States and Canada at points in ND, MT, ID, and WA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, SD, UT, WA, and WY. (Hearing site: Great Falls, MT.)

MC 134765 (Sub-21F), filed March 7, 1979. Applicant: SPECIALTY TRANSPORT, INC., 484 S. Mountain Blvd., Mountaintop, PA 18707. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products, plastic and paper products, plastic and wood products* (except building materials), and *egg-processing machinery*, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above (except in bulk), between the facilities of Diamond International Corporation at Boston, Springfield, Ludlow, Palmer, and Thorndike, MA, Detroit and Farmington, MI, Groveton, NH, Old Town, Dixfield, and Oakland, ME, Lancaster, Gouverneur, Plattsburgh, and Ogdensburg, NY, Cincinnati, Norward, and Middletown, OH, and Morris, St. Charles, Wilmington, and Lockland, IL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: New York, NY, or Boston, MA.)

Note.—The applicant has filed an application for common control which if granted dual operations may be involved.

MC 135874 (Sub-162F), filed March 13, 1979. Applicant: LTL PERISHABLES, INC., 550 E. Fifth Street So., So. St. Paul, MN 55075. Representative: Paul Nelson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages* (except in bulk) and *materials, equipment, and supplies* used in the distribution of malt beverages, (a) from LaCrosse, WI, to points in MN and SD, (b) from Milwaukee, WI, to points in MN, and (c) from New Ulm, MN, and Minneapolis, MN, to points in SD, and (2) *confectionery*, from Reading, PA, to points in IA, IL, IN, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: St. Paul, MN.)

MC 135884 (Sub-15F), filed March 12, 1979. Applicant: CALDWELL TRUCKING, INC., Holdman Route, Pendleton, OR 97801. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in MO, KY, IN, OH, VA, IL, and WV, to the facilities of Fronville Commercial Co., Inc., at Wilsonville, OR. (Hearing site: Portland, OR.)

MC 135924 (Sub-4F), filed March 12, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *phenolic resin*, from Peachtree, GA, to Grand Rapids, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 135924 (Sub-5F), filed March 8, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lubricants*, from Cleveland, OH, to (1) Grand Rapids and International Falls, MN, and (2) ports of entry on the international boundary line between the United States and Canada, in MN and ND. (Hearing site: Minneapolis or St. Paul.)

MC 136315 (Sub-59F), filed March 9, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting *composition boards and sheets*, from the facilities of Champion International Corporation, at or near Oxford, MS, to points in IA, KS, MO, NE, OK, and TX. (Hearing site: Washington, DC, or Jackson, MS.)

Note.—Dual operations may be involved.

MC 138104 (Sub-72F), filed March 14, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting (1) *trailers* (except those designed to be drawn by passenger automobiles) in initial movements, and (2) *trailers* (except those designed to be drawn by passenger automobiles) in secondary movements, (a) from the facilities of American Trailers, Inc., at or near Oklahoma City, OK, and Great Bend, KS, to points in the United States (except AK and HI), and (b) from points in the United States (except AK and HI) to the facilities of American Trailers, Inc., at or near Great Bend, KS. (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 138635 (Sub-72F), filed March 14, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3962, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate commerce, over irregular routes, transporting *vending machines, gum, supplies used in sold in vending mechines, wooden spice cabinets, coasters, bottles*, and *woodware*, from San Dimas, CA, to Pineville, NC. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138635 (Sub-73F), filed March 14, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate

commerce, over irregular routes, transporting *lamps, lighting fixtures, lamp shades, and earthenware,* from Pacoima, CA, to points in AL, TN, VA, NC, SC, GA, and FL. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138635 (Sub-74F), filed March 14, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate commerce, over irregular routes, transporting (1) *plastic pipe and plastic pipe fittings,* and (2) *accessories* for the commodities in (1) above, from Sun Valley, Santa Ana, and Bakersfield, CA, and Cleveland, OH, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138875 (Sub-149F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Beverage preparations,* and (2) *chemicals* (except commodities in bulk), between points in CA, OR, and WA. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 138875 (Sub-152F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant) To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen cookie dough, and frozen pizzas* (except commodities in bulk), from Massillon, OH, and the facilities of Ore-Ida Foods, Inc., at or near Lake City, PA, to Greenville, MI, and Plover, WI, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-153F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as appalicant) To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foam rubber and polystyrene* (except commodities in bulk), from points in OR, UT, and WA to points in ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-154F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as appalicant) To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation board,* from points in MI to points in ID or OR. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-155F), filed March 9, 1979 Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant) To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soda ash and sodium bicarbonate* (except in bulk), from points in WY to points in OR and WA, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destinations.(Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-156F), filed March 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Frnaklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Newark, NJ, to the facilities of General Food Service, at or near Boise, ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 139485 (Sub-15F), filed March 13, 1979. Applicant: TRANS CONTINENTAL CARRIERS, a Corporation, 169 East Liberty Ave., Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Paint, paint additives, and paint accessories,* from points in Cuyahoga County, OH and Queens County, NY, to points in the United States (except AK and HI), under a continuing contract(s) with Limbacher Paint & Color Works, Inc., of Lakewood, OH. (Hearing site: Los Angeles, CA.)

MC 139495 (Sub-426F), filed March 6, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed, bath salts, cleaning compounds, drugs, fabric softeners, food preserving compounds, food seasoning compounds, malted milk, modified soda ash, and toilet preparations,* (except commodities in bulk, in tank vehicles), from the facilities of Beecham Products, Inc., at or near Clifton, NJ, to points in CA, CO, GA, IL, KS, MO, OR, TN, and TX. (Hearing site: Washington, DC.)

MC 141804 (Sub-196F), filed March 12, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *(1) electrical appliances,* and (2) *parts and accessories* for electrical appliances, from Seattle and Tacoma, WA, and points in Los Angeles and Orange Counties, CA, to Forrest City, AR. (Hearing site: Los Angeles or San Francisco, CA)

MC 142515 (Sub-2F), filed March 16, 1979. Applicant: S. T. TURNER TRUCKING, INC., R.R. No. 1, Box 444, Nashville, IN 47448. Representative: Terry G. Fewell, P.O. Box 4403, Chicago, IL 60680. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *automotive parts and truck parts,* and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above, between the facilities of Arvin Industries, Inc., at or near Elk Grove Village, IL, on the one hand, and, on the other, Indianapolis and Franklin, IN, under continuing contract(s) with Arvin Industries, Inc., of Columbus, IN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 142715 (Sub-28F), filed March 8, 1979. Applicant: LENERTZ, INC., 8425 Hudson Road, Lake Elmo, MN 55042. Representative: Andrew R. Clark, First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Weinstein International Corporation and Iowa Pork Industries, at Newport, South St. Paul, and Buffalo Lake, MN, to points AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, NH, NJ, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 142715 (Sub-29F), filed March 8, 1979. Applicant: LENERTZ, INC., 8425 Hudson Road, Lake Elmo, MN 55042. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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 commodities in bulk), from the facilities of Long Prairie Packing Co., at Long Prairie, MN, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, MN.)

MC 145025 (Sub-2F), filed March 8, 1979. Applicant: CONSIGNOR'S, INC., P.O. Box 42, Dayton, OH 45450. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in and distributed by trading stamp companies (except foodstuffs and commodities in bulk), between the facilities of Top Value Enterprises, Inc., at Dayton, OH, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, MD, WV, VA, NC, SC, GA, FL, OH, AL, TN, KY, MI, IN, IL, MS, LA, AR, MO, WI, OK, TX, IA, MN, and DC, under continuing contract(s) with Top Value Enterprises, Inc., of Dayton, OH. (Hearing site: Columbus, OH.)

MC 145264 (Sub-3F), filed March 12, 1979. Applicant: GONZALO MENDOXA, d.b.a. MENDOZA TRUCKING CO., 4200 S. Morgan, Chicago, IL 60609. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paint, varnish, solvents, cleaning compounds*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and application of the commodities in (1) above (except in bulk), between Chicago, IL, on the one hand, and, on the other points in MI, IA, MO, AR, OH, KY, TN, IN, GA, and WI, under continuing contract(s) with The Enterprise Companies, of Wheeling, IL. (Hearing site: Chicago, IL.)

MC 145534 (Sub-1F), filed March 8, 1979. Applicant: DUANE S. MORGAN, d.b.a. DUANE S. MORGAN TRUCKING, Route 1, Box 812, Prineville, OR 97754. Representative: Duane S. Morgan (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products*, from points in Grays Harbor and Lewis Counties, WA, and Jefferson, Deschutes, Crook, Klamath, Lake, Jackson, Josephine, Curry, Coos, Douglas, Lane, and Linn Counties, OR, to those points in CA in and south of San Bernardino, Los Angeles, and Ventura Counties. (Hearing site: Portland, OR.)

MC 146024 (Sub-2F), filed March 12, 1979. Applicant: G & R PETROLEUM, INC., 253 SW 4th Ave., Ontario, OR 97914. Representative: Douglas G. Combs, P.O. Box 576, Ontario, OR 97914. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, from Boise and Fruitland, ID, to points in Malheur County, OR, under continuing contract(s) with Wes Hansen d.b.a., Hansen Oil Company, of Vale, OR, and Bill Stewart d.b.a., Stewart Oil Company, of Ontario, OR. (Hearing site: Boise, ID.)

MC 146244 (Sub-2F), filed March 12, 1979. Applicant: C. & H. DISTRIBUTING CO., a corporation, 2450 West 3rd, Craig, CO 81625. Representative: David E. Driggers, 1660 Lincoln St., Suite 1600, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from points in Jefferson County, CO, to points in CA; and (2) *and materials* for reuse, in the reverse direction. (Hearing site: Denver, CO.)

MC 146624 (Sub-1F), filed March 12, 1979. Applicant: CHARLES W. MILLER AND HOWARD M. MILLER d.b.a., MILLER BROS. TRUCKING, 800 Cherry St., Liberty Center, OH 43532. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, glassware, packaging products, container components, and scrap materials*, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles, and commodities the transportation of which because of size or weight require the use of special equipment), between the facilities of Libbey Glass Division of Owens-Illinois, Inc., at (1) Toledo, OH, (b) Shreveport, LA, and (c) Mira Loma, CA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Columbus, OH.)

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Sunshine Act Meetings

Federal Register
Vol. 44, No. 140
Thursday, July 19, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[M–236, Amdt. 1; July 16, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the July 19, 1979, meeting agenda.

TIME AND DATE: 10 a.m., July 19, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Addition: 11a. Dockets 33009, 33101, and 33363; *Former Large Irregular Air Service Investigation (Aeronaves de Puerto Rico)*, Order on Discretionary Review. (Memo No. 8995, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Item 11a involves the application of a potential new entrant, the staff has just completed work on Item 11a, and there will be no regularly scheduled Board meeting planned after July 19 until August 21. Accordingly, the following Members have voted that Item 11a be added to the July 19, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S–1444–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6320–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., July 24, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Rule Enforcement Reviews.
Enforcement matters/offer of settlement; decision on administrative proceedings.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S. 1442–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6351–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Wednesday, July 18, 1979,

LOCATION: Room 456 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Briefing on Powered Lawn Edgers Petition, CP 78–7—

The staff will brief the Commission on a petition in which Gerald Price, Fullerton, California, asks CPSC to develop a mandatory standard for gasoline and electric powered lawn edgers and trimmers to address the hazard of thrown objects. The Commission is scheduled to consider this petition at the August 9 Commission Meeting.

2. Briefing on Two-Wheel Motorized Vehicles, CP 79–4—

The staff will brief the Commission on a petition in which Drs. Fredreick Rivara and Lawrence Berger of Seattle, Washington, ask CPSC to establish safety standards for unlicensed two-wheel motorized vehicles. The Commission is scheduled to consider this petition at the August 9 Commission Meeting.

3. Briefing on Upholstered Furniture Flammability: Update—

The staff will brief the Commission on current industry activities concerning upholstered furniture flammability, and on the staff program to assess the voluntary efforts of the Upholstered Furniture Action Council (UFAC).

4. Export Policy—

The staff and Commission will reexamine CPSC export policies and the effect on these policies of recent statutory amendments.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111–18th St., NW., Washington, DC 20207, Telephone (202) 634–7700.

[S–1440–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6355–01–M

4

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Thursday, July 19, 1979, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111-18th St., NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Television Receivers; Extension/Revocation—

The Commission will consider whether to continue or terminate a proceeding concerning fire hazards associated with television receivers. The Commission began the proceeding in 1975. At the July 11, 1979 briefing, staff and the Commission discussed issues related to this proceeding.

2. Child-Proof Matches Petition, CP 78–16—

The Commission will consider a petition in which Consumer Alert, Inc. asks CPSC to amend the matchbook standard (16 CFR Part 1202) to exempt Commission-accepted child-resistant covers from the requirement that the striking surface be located on the back of the cover. The staff briefed the Commission July 11 on issues related to this petition.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111-18th St., NW., Washington, DC 20207, Telephone (202) 634–7700.

Agenda approved July 10, 1979.

[S–1441–79 Filed 7–17–79; 3:50 pm]

BILLING CODE 6355–01–M

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 19, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Closed Commission Meeting following the Special Open Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—An application for review of a final Review Board Decision involving a new common carrier station in the Multipoint Distribution Service at San

Diego, California (Docket Nos. 21167, 21168).

Hearing—2—An application for review of a final Review Board Decision in the Reno, Nevada, proceeding for construction permits in the Multipoint Distribution Service (Docket Nos. 21155 and 21157).

Hearing—3—Applications for review of Review Board decision and related interlocutory requests in the Gainesville, Flordia, new FM station proceeding (Docket Nos. 20622–4).

Hearing—4—Revised application for review filed by Cumberland Broadcasting Corporation in the Athens, Tennessee, FM broadcast proceeding (Docket Nos. 21132 and 21133).

Hearing—5—Application for review of the Review Board's Decision upholding an Initial Decision which revoked the Amateur Radio station licenses of John R. Sheller and John C. Gallucci, and suspended for the remainder of the license term their Extra Class Amateur operator's licenses (Docket Nos. 21446, 47, 50, 51 and 52).

Hearing—6—A request for review of final Review Board Decision in the Spokane, Washington, Revocation of CB Radio License Proceeding (Docket No. 21149).

Hearing—7—Application for review of a final Review Board Decision in the Stockton, California, comparative FM broadcast proceeding (Docket Nos. 20925, 20926 and 20927).

If additional information is required concerning this meeting it may be obtained from FCC Office of Public Affairs, telephone number (202) 632–7260.

[S–1438–79 Filed 7–17–79; 10:51 am]

BILLING CODE 6712–01–M

6

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 19, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Broadcast—1—Title: Petition for Rulemaking and Request for a Declaratory Ruling of NCCB and Nicholas Johnson. Summary: The Commission has before it two petitions, both filed by the National Citizens Committee for Broadcasting and Nicholas Johnson. The first petition a Request for a Declaratory Ruling, seeks a ruling declaring that Ronald Reagan is a legally qualified candidate for purposes of the "equal opportunities" requirement of Section 315. Petitioners allege that such a ruling is necessary in view of Mr. Reagan's "obvious intention to seek the Republican nomination" and the fact that his opponents may be "reluctant" to request equal opportunities. The second petition, a Petition for Rulemaking, also concerns the "equal opportunities" requirement. it requests that the definition of a "legally qualified candidate" in Section 73.1940(a) of the Commission's rules be amended so that the "equal opportunities" requirement will apply to candidates who have not issued a formal declaration of an intention to run but who have made a "substantial showing" of candidacy.

Common Carrier—1—Title: In re Multi-Point Communication Corp. Summary: The St. Turibius Area Community Life Council has petitioned the Commission to deny Multi-Point's application to construct a 1½ watt microwave transmitter in Chicago, Il., St. Turibius challenges the validity of the OSHA standard of permissible RF radiation and requests an environmental impact statement, assuring it that the population near the transmitter will be safe from harmful radiation. The issue before the Commission is whether the application should be granted or denied. Moreover, an issue is before the FCC concerning whether construction of the transmitter will constitute a "major action" within the meaning of the NEPA.

Common Carrier—2—Title: Regulatory Policies Concerning the Provision of Domestic Public Message Services by Entities Other than the Western Union Telegraph Company and Proposed Amendment to Parts 63 and 64 of the Commission's Rules. Summary: This item addresses proposed changes in the Commission's Rules and policies concerning public message services. These proposals are a result of our decision in *Domestic Public Message Services* (CC Dockets 78–95 and 78–96) which ended Western Union's telegram monopoly.

Common Carrier—3—Title: Petitions to extend the moratorium on the use of the COMSTAR Satellite System for the provision of non-government private line services (Docket No. 16495). Summary: The FCC has concluded that further extension of the moratorium is not justified; however, new authorizations or tariff filings will be necessary before "satellite only" services may be offered by AT&T or GTE. At that point the FCC would be in a better position to consider many of the arguments advanced by the complaining parties, including the request that AT&T be required to establish a separate subsidiary to provide satellite services.

Common Carrier—4—Title: Proposed launch of the WESTAR III domestic satellite (Application File Nos. 511–DSS–MP–79 and 512–DSS–LA–79). Summary: The Western Union Telegraph Company is requesting authority to launch its on-the-ground spare satellite (WESTAR III) on or about August 9, 1979 and place it at 91° West Longitude. Western Union believes the launch of WESTAR III is needed at this time to meet the increasing demands for communications capacity, provide for anticipated growth of such demands, and for backup and restoral purposes.

The prompt and orderly conduct of Commission business requires that less than 7-days notice by given.

Information concerning this meeting may be obtained from the FCC Office of Public Affairs, telephone number (202) 632–7260.

Issued: July 16, 1979.

[S–1439–79 Filed 7–17–79; 10:51 am]

BILLING CODE 6712–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:15 p.m. (EDT) on Saturday, July 14, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Guaranty Bank & Trust Company, Chicago, Illinois, which was closed by the Illinois Commissioner of Banks and Trust Companies as of the close of business at 12:30 p.m. (CDT) on July 14, 1979, and Gateway National Bank of Chicago, Chicago, Illinois, which was closed by the Comptroller of the Currency as of the close of business at 1:00 p.m. (CDT) on July 14, 1979; (2) accept the highest bid for the transactions submitted by Independence Bank of Chicago, Chicago, Illinois; (3) approve a resulting application of Independence Bank of Chicago for consent to purchase certain assets of and assume the liability to pay deposits made in the two closed banks and to establish the single offices of the two closed banks as facilities of Independence Bank of Chicago; (4) approve an application of Independence Bank of Chicago for consent to assume the trust business of Guaranty Bank & Trust Company; (5) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transactions; and (6) appoint a liquidator for such of the assets of the closed banks as were not purchased by Independence Bank of Chicago.

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurred in by Chairman Irvine H. Sprague, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier

notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matters in a meeting open to public observation.

Dated: July 16, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1433-79 Filed 7-17-79; 10:51 am]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m. on Monday, July 23, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550—17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Memorandum regarding the allocation of expenses for liquidations and receiverships handled by the Division of Liquidation.

Resolution regarding salary adjustment for field positions in the Division of Liquidation.

Resolution amending Budget Year 1979 Staffing Table for the Division of Bank Supervision, Dallas Region.

Reports of committees and officers:

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Controller on the termination of the liquidation of Cromwell State Savings Bank, Cromwell, Iowa.

Report of the Controller on the termination of the liquidation of Bank of Commerce, Tonkawa, Oklahoma.

Audit Report: Corporation EEO Program and Plan for 1979.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary, (202) 389-4425.

[S-1434-79 Filed 7-17-79; 10:51 am]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 on Monday, July 23, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550-17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Sierra Security Bank, a proposed new bank to be located at 100 Grand Avenue, Susanville, California, for Federal deposit insurance.

Lytton Savings Bank, an operating noninsured bank, located at 200 Main Street, Lytton, Iowa, for Federal deposit insurance.

High Lakes Community Bank, a proposed new bank to be located at 51366 South Highway 97, LaPine, Oregon, for Federal deposit insurance.

Requests for exemption from section 348.3(b) of Part 348 of the Corporation's rules and regulations entitled "Management Official Interlocks":

First Bank of Roscoe, Roscoe, Illinois.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,980-L—Franklin National Bank, New York, New York.

Case No. 43,981-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Case No. 43,983-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 43,984-L—The Hamilton Bank and Trust Company, Atlanta, Georgia.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" [5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary, (202) 389-4425.

[S-1435-79 Filed 7-17-79; 10:51 am]

BILLING CODE 6714-01-M

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, July 25, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Consideration of proposed Revised Trade Regulation Rule on Care Labeling of Textile Products and Leather Wearing Apparel.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1437-79 Filed 7-17-79; 1051 am]

BILLING CODE 6750-01-M

11

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 A.M., THURSDAY, JULY 26, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 332-87 (Conditions of Competition in the Western U.S. Steel Market)—consideration of the report, if necessary: briefing in the morning session; vote at 2 p.m.
6. Investigation 337-TA-42 (Slow Cookers)—briefing in the morning session; vote at 2 p.m.

7. Investigation 337-TA-57 (Cattle Whips)—briefing in the morning session; vote at 2 p.m.

8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1436-79 Filed 7-17-79; 10:51 am]

BILLING CODE 7020-02-M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, July 26, 1979. [NM-79-24]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Rear-end collision of two Consolidated Rail Corporation freight trains at Muncy, Pennsylvania, on January 31, 1979, and *Recommendations* to the Consolidated Rail Corporation.

2. *Aircraft Accident Report*—Delta Air Lines, Inc., Boeing 727-200, N467DA, and Flying Tiger, Inc., Boeing 747-F, N804FT, O'Hare International Airport, Chicago, Illinois, February 15, 1979.

3. *Railroad Accident Report*—Derailment of Amtrak Train No. 8, the Empire Builder, on Burlington Northern track at Lohman, Montana, on March 28, 1979, and *Recommendations* to the Burlington Northern Company and to Amtrak.

4. *Marine Accident Report*—Collision of M/V STAR LIGHT (Greek) and the USS FRANCIS MARION, Norfolk, Virginia, March 4, 1979, and *Recommendations* to the Commandant, U.S. Coast Guard.

5. *Railroad Accident Report*—Derailment of New York City Transit Authority subway train, New York, New York, December 12, 1978, and *Recommendations* to the Metropolitan Transportation Authority.

6. *Special Study*—Noncompliance with Hazardous Materials Regulations.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

July 17, 1979.

[S-1445-79 Filed 7-17-79; 3:50 pm]

BILLING CODE 4910-58-M

13

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Friday, July 27, 1979. [NM-79-25]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the remaining three items will be closed to the public under the Government in the Sunshine Act, Exemption 10.

MATTERS TO BE CONSIDERED:

1. *Case History*—Motor Vehicle Safety Standard 121: Air Brake Systems.

2. *Letter* to Materials Transportation Bureau re closeout of seven Hazardous Materials Recommendations.

3. *Letter* to Materials Transportation Bureau re Notice of Proposed Rulemaking, Notice No. 79-9, Dkt. No. HM-126A.

4. *Letter* to Federal Railroad Administration re Notice of Proposed Rulemaking, Dkt. LI-6, locomotive inspections.

5. *Discussion*—Board policy on allowing absent Members to vote on Agenda items after Board Meetings.

6. *Opinion and Order*—Petition of Welch, Dkt. SM-2280; disposition of Administrator's appeal.

7. *Opinion and Order*—Commandant v. Woods, Dkt. ME-69; disposition of pilot's appeal.

8. *Opinion and Order*—Commandant v. Taylor, Dkt. ME-68; disposition of master's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

July 17, 1979.

[S-1446-79 Filed 7-17-79; 3:50 pm]

BILLING CODE 4910-58-M

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: July 16, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monday, July 16, 9 a.m. (Additional Item)

Discussion of Amendments to NRC Authorization Bill—Public meeting—Approximately 1 hour.

Additional Information

By a vote of 3-0 (Commissioners Gilinsky & Bradford, not present) on July 16, 1979, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the discussion of Amendments to NRC Authorization Bill, held that day, be held on less than one week's notice to the public. Prompt action was required in the matter.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

July 16, 1979.

[S-1443-79 Filed 7-17-79; 3:50 pm]

BILLING CODE 7590-01-M

Reader Aids

Federal Register

Vol. 44, No. 140

Thursday, July 19, 1979

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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
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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.

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35224 6–19–79 / Approval of Louisiana air program variance for Kaiser Aluminum & Chemical Corp.

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

Slip Laws

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Part II

Department of Transportation

Federal Aviation Administration

Noise Standards for Helicopters in the Normal, Transport, and Restricted Categories

Federal Aviation Administration

[14 CFR Parts 21 and 36]

[Docket No. 13410; Notice No. 79-13]

Noise Standards for Helicopters in the Normal, Transport, and Restricted Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes regulations growing out of FAA's review of preliminary proposals for regulating noise of civil "short-haul," including rotary wing, aircraft contained in an advance notice of proposed rule making and is based on review of recent tests and studies of helicopter noise characteristics. These proposals apply to civil helicopters certificated in the normal, transport, and restricted categories. For purposes of this notice, "helicopters" include other aircraft for which lift is furnished, in whole or part, by an engine-driven rotor during takeoff, hover, or landing. The proposals provide noise levels and test procedures for the issuance of new type certificates and of original standard airworthiness certificates and restricted category airworthiness certificates for newly produced helicopters of older design types. They also include a prohibition of certain changes in the type design of helicopters that might increase their noise levels beyond prescribed limits. The FAA believes that the rules are necessary to provide current and future relief and protection to the public health and welfare from the noise of the affected helicopters, but that it should not propose rule making at this time for the other aircraft covered by the advance notice.

DATES: Comments must be received on or before: November 19, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 13410, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Richard Tedrick, Noise Policy and Regulations Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. 20591; telephone (202) 755-9027.

SUPPLEMENTARY INFORMATION:

I. Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments are specifically invited on the overall regulatory, economic, and environmental aspects of the proposed rule, including environmental impacts other than noise. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. All communications received on or before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. 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. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

II. Availability of NPRM's

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA-430), 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons 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 procedure.

III. Synopsis of Proposals

The FAA is considering amendments to Parts 21 and 36 of the Federal Aviation Regulations (FARs) to prescribe noise levels and test procedures for civil helicopters certificated in the normal, transport, and restricted categories. As used throughout this notice, the word "helicopter" means rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotor and other aircraft for which lift is furnished, in whole or part, by an engine-driven rotor during takeoff, hover, or landing; however, it does not include gyroplanes. These proposals include rules governing the issuance (1) new type certificates for helicopters for which application is made on and after the publication date of this notice, and (2) original, standard airworthiness certificates and restricted category airworthiness certificates for helicopters which do not have any flight time before January 1, 1985 (regardless of the date of application). The proposed rule would prohibit certain growth or other design changes if those changes might result in noise levels beyond prescribed limits. Those "acounstical change" provisions would apply to approvals applied for on or after the effective date of the final rule based on this proposal. The proposed rule also provides the test conditions and procedures for conducting helicopter noise tests to demonstrate compliance with the prescribed noise levels, including the technical noise measurement and evaluation specifications employing the concept of Effective Perceived Noise Level (EPNL) as the evaluation unit.

The proposed helicopter noise standards, if adopted, would have the following effects:

A. Certification Procedure Provisions

FAR Part 21 would be amended to prescribe the procedural requirements for noise certification of civil helicopters certificated in the normal, transport, and restricted categories. Those proposed amendments apply to the issuance of new type certificates in the normal, transport, or restricted categories for which application is made on or after the publication date of this notice and to the original issuance of standard airworthiness certificates and restricted category airworthiness certificates for newly produced helicopters which do not have flight time before January 1, 1985 (regardless of the date of application). The effect of these provisions would be to prohibit issuance of the affected certificates after the effective date of the amendments for helicopters which have not been shown to comply with the applicable noise requirements of Part 36. Thus, newly type certificated helicopters (except those for which application was made before publication of this notice) and eventually all newly produced helicopters of older type designs (those aircraft without flight time before 1985) would be required to comply with Part 36 noise standards. Further, proposed "acoustical change" provisions would prescribe requirements for certain changes in type design of helicopters which might increase their noise levels. Appropriate references to Part 36 acoustical change requirements would be contained in Part 21. The proposed acoustical changes for helicopters would specifically apply to type design

changes that involve (1) changes to, or removal of, mufflers or other components designed for noise control; (2) any change that results in an increase in certificated maximum rotor RPM, maximum continuous power, takeoff power, or maximum takeoff weight; and (3) any other design change that the Administrator determines might increase noise levels of that helicopter, such as changes in rotor size, number of blades, or blade shape. Under the proposal, noise test procedures, conditions, and noise limits for acoustical changes would be prescribed under Part 36.

B. Noise Standard Provisions

FAR Part 36 would be amended to adopt the provisions necessary to prescribe noise standards for civil helicopters certificated in the normal, transport, and restricted categories. Those provisions are similar to those currently applicable to many other aircraft under Part 36 and are summarized as follows:

1. *General.*—The general provisions of Part 36, Subpart A, would be amended to provide applicability, definitional, and acoustical change provisions covering civil helicopter noise certification. For example, the word "aircraft" is substituted for "airplane" in those provisions whose applicability simply would be expanded to include helicopters. Under the proposal, definitions identify two "stages" or levels of noise ("Stage 1" and "Stage 2" helicopter noise levels) and which helicopters have been shown to comply with the proposed Stage 2 noise levels ("Stage 2 helicopters"). "Stage 1 helicopters" are those which have not been shown to so comply.

A new section would be added to prescribe noise requirements for those changes in type design defined as "acoustical changes" under FAR Part 21. Those provisions would apply to acoustical change approvals applied for on and after the effective date of the rule. Specifically, Stage 1 helicopters before a change in type design would be prohibited from increasing any noise level (takeoff, flyover, or approach) after the design change. For acoustical changes of Stage 1 helicopters, the proposed tradeoff provisions could not be used to increase any Stage 1 noise level. A Stage 2 helicopter before a change in type design could not be Stage 1 helicopter after the design change.

2. *Manuals, Markings, and Placards.*—Provisions regarding requirements for operating limitations in manuals, markings and placards under current Subpart G would be redesignated under Subpart O and amended to extend their applicability by including helicopters and approved Rotocraft Flight Manuals, manual materials, or placards, as appropriate.

3. *Helicopter Noise Rule.*—A proposed new Subpart H to Part 36 would prescribe the basic requirements for demonstrating compliance with the helicopter noise rules. The technical standards, conditions, and procedures for conducting helicopter noise tests and the helicopter noise limits under the proposed new Appendix H are specifically referenced.

4. *Noise Measurement and Evaluation.*—The proposed new Appendix H to Part 36 would contain, among other things, the technical noise measurement and evaluation specifications for conducting helicopter noise tests. With exceptions necessary to account for the distinguishing noise characteristics of helicopters, the FAA proposes to apply the specifications currently applicable to tests of transport category large airplanes and turbojet-powered airplanes under Appendixes A and B of Part 36 (as amended by FAR Amendment 36–9: 43 FR 8731; March 2, 1978).

The following highlights the proposed differences for helicopter noise tests under Appendix H from the requirements of Appendixes A and B:

a. Three noise test series would be used—takeoff, flyover, and approach noise test series with simultaneous measurements for each test series at a flight-track noise measuring station and two sideline noise measuring stations, one on each side of the reference flight track.

b. Airport reported wind conditions not exceeding 10 knots with wind direction within 15° of the reference flight track would be required.

c. The helicopter's height and lateral position over the noise measuring station would be relative to the center line of the reference flight path rather than the runway.

d. The approach angle for the helicopter approach noise test would be $6.0° \pm 0.5°$ rather than 3.0°.

e. The requirement regarding validity of test results within the 90 percent confidence limits for EPNL values would apply to each of the three noise test series—takeoff, flyover, and approach.

f. Numerous symbols and units for helicopter noise certification would be substituted for airplane symbols under the § A36.7 "Flight Profile Identification Positions" and "Distance-Unit-Meaning" descriptors used in Part 36. The proposal includes graphic depictions and textual descriptions of the various helicopter test profiles.

g. The FAA proposes the use of EPNL in units of effective perceived noise decibels (EPNdB) for determining the evaluation quantity of helicopter noise. Accordingly, the noise evaluation specifications under Appendix B may be applied directly to the measured helicopter noise test data. However, due to the noise characteristics of helicopters, the FAA is specifically considering the appropriate significance that should be given to identifiable "pseudo-tones" under the provisions governing corrections for spectral irregularities. Further, since each test series for helicopters consists of at least six test runs involving three noise measuring stations, the FAA proposes to require calculating a single, average EPNdB value at the three stations for each of the three test series (takeoff, flyover, and approach). Thus, that calculated EPNdB value would represent the numerical average of at least six separate, valid noise measurements for each test series at each of the flight track and two sideline noise measuring stations. Each calculated EPNdB value would then be compared with the noise level requirements to determine compliance.

5. *Noise Levels.*—The proposed new Appendix H to Part 36 would also contain the provisions governing helicopter noise levels for which compliance must be shown by actual flight tests. Those provisons include (1) "Stage 1" and "Stage 2" noise limits for each test series (related to the maximum certificated weight of the helicopter); (2) tradeoff provisions (governing limited "exceedances" of calculated noise levels for one or two test series when completely offset by reductions in the calculated noise levels of the other required calculated noise levels); and (3) separate test conditions for each of the three noise test series (including requirements for airspeed, altitude or operational profile over the noise measuring station, power, and helicopter position relative to the flight-track noise measuring station).

"Stage 1" noise limits represent the prohibition on noise level increases prescribed for "acoustical changes" of those helicopters which cannot achieve Stage 2 noise levels before a change in type design. "Stage 2" noise limits would be prescribed separately for the three test series (takeoff, flyover, and approach). The respective noise limits would range, according to maximum certificated weighs of the helicopter, between 86 and 106 EPNdB for takeoff, between 85 and 105 EPNdB for flyover,

and between 87 and 107 EPNdB for approach. Under the proposal, the highest noise limit applies to maximum weights of 176,370 pounds or more which is reduced by 3.01 EPNdB for each incremental, 50% reduction ("halving") of the 176,370-pound weight down to the lowest noise limit which applies to maximum weights of 1,764 pounds or less.

Tradeoffs of any "exceedances, like those for turbojet powered airplanes, would be limited to a sum not greater than 3 EPNdB with no single exceedance greater than 2 EPNdB. The exceedances must be completely offset by noise levels below those required for the other calculated noise levels.

IV. Regulatory History

On December 28, 1973, the FAA published an advance notice of proposed rule making (Notice No. 73–32; 38 FR 35487) in which it announced that it was considering proposing noise standards for aircraft that were expected to be developed for efficient short stage length operations. It was anticipated that such a class of aircraft, referred to as "short-haul," would include aircraft having short, reduced, or vertical (or near-vertical) takeoff and landing capabilities. Since the noise technologies appropriated to those aircraft as a separate class required further study, original FAR Part 36 in 1969 did not prescribe separate rules for those aircraft; some, such as helicopters, were not covered by any regulation. Notice No. 73–32 (ANPRM) was issued as part of that additional study to invite early public participation in the identification and selection of a course, or alternative courses, of action concerning the development of proposed noise standards which would provide relief and protection to the public health and welfare from aircraft noise. Under § 611 of the Federal Aviation Act of 1958, as amended (the Act), the FA Administrator, in prescribing or amending aircraft noise regulations is required to consider, among other things, whether the action is consistent with the highest degree of safety in air commerce and whether it is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft to which it would apply.

As indicated in the ANPRM, the FAA recognized that many and broad problems were involved in developing an adequate proposed rule prescribing noise standards for all "short-haul" aircraft. The problems were compounded by the lack of any established operational or airworthiness definition of that class of aircraft which was expected to comprise a broad variety of aircraft configurations, propulsive systems, and operational capabilities and missions. For purposes of the ANPRM, those aircraft were tentatively described as being capable of executing at least six degree approaches and steep-gradient departures in routine operation and of operating on short-length, prepared surfaces (subclasses were specified according to the type of aircraft takeoff and landing capability and their other operational capability and mission).

The problems addressed by the ANPRM also included the possible role of short-haul aircraft in the future air transportation system with operations to and from airports, some in noise sensitive locations in or near densely populated and developed metropolitan areas with high-rise structures, other with little or no operational or noise sensitive area constraints. Comments were requested on the extent to which a proposed noise standard should not restrict their unique operational capabilities and whether the anticipated operational characteristics of the short-haul aircraft would be practically employed in actual commercial service.

The ANPRM discussed several of the known regulatory concepts for noise certification and testing methodology. The controversy concerning the use of EPNL as the basic noise evaluation unit was discussed but was not resolved as to the manner in which its use might affect any subsequent proposal. Sixteen topically broad questions were posed to assist commenters in reviewing the proposal and directing their views, data, and arguments in areas in which public comments and assistance would be most significant to the FAA in developing a proposed rule.

The FAA has carefully considered the comments received in response to Notice No. 73–32 in developing the proposed helicopter noise standards contained in this notice. General support was expressed for providing separate rules for different classes of short-haul aircraft, including separate rules for helicopters. The FAA agrees with those comments and thus is considering noise standards under FAR Part 36 for helicopters separately from those for other classes of aircraft. Discussions of comments and FAA's response to them are presented in the discussions that follow.

V. Aircraft Noise Rules

Pub. L. 90–411 and 92–574 were enacted to provide the statutory basis under the Federal Aviation Act, § 611, for promulgating regulations providing present and future relief and protection to the public health and welfare from noise and sonic boom from civil aircraft. Under those Acts, the Federal Aviation Administrator, after consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, is responsible for the adoption and amendment of rules which prescribe the necessary standards and regulations. On November 3, 1969, the Administrator adopted FAR Part 36 entitled "Noise Standards: Aircraft Type Certification" (34 FR 18355; November 18, 1969). That regulation initiated the FAA noise abatement regulatory program under the new statutory authority. It prescribed noise type certification standards for subsonic transport category large airplanes and for subsonic turbojet powered airplanes regardless of category or weight. Part 36 also prescribed the technical specifications for measuring and evaluating flight test noise data in demonstrating compliance with prescribed noise level limits.

Since the adoption of Part 36, the FAA has issued a number of notices proposing amendments to its provisions and, subsequent to notice and public procedure, has adopted those amendments which have been found to be consistent with the provisions of § 611 of the Act. Those amendments have increased the protection of the public health and welfare by providing the necessary control and abatement of aircraft noise and sonic boom. Further amendments and proposed amendments are currently under consideration by the FAA for future issuance.

In promulgating proposals and amendments under the authority of § 611 of the Act, factors which the FAA must consider include the following:

1. Available data relating to aircraft noise, including results of research, development, testing, and related evaluation activities.

2. The views and positions of other Federal, State, and interstate agencies.

3. Whether the proposed regulations are consistent with the highest degree of safety in air commerce and air transportation in the public interest.

4. Whether proposed regulations are:

a. Economically reasonable;

b. Technologically practicable; and

c. Appropriate for the particular type of aircraft, aircraft engines, appliance, or certificates to which they would apply.

5. The extent to which the proposed regulations contribute to providing protection to the public health and welfare by carrying out the purposes of

§ 611 of the Act. The overall environmental impacts of the proposed regulations (including environmental factors other than noise) must be assessed in accordance with the National Environmental Policy Act of 1969, and the implementing Federal guidelines and directives.

In response to statutory requirements to issue appropriate rules for the control and abatement of aircraft noise and sonic boom, the FAA has adopted several amendments to the FARs. A summary of those regulatory actions taken before 1977 is presented in the preamble to FAR Amendment 91–136 (41 FR 56046; December 23, 1976). Since that time, the FAA has issued four additional amendments to FAR Part 36—(1) FAR Amendment 36–7: "Noise Level Limits and Acoustical Change Requirements for Subsonic Transport Category Airplanes and for Subsonic Turbojet Powered Airplances" (42 FR 12360; March 3, 1977), which added, among other things, "Stage 3" noise limits that are more stringent than those in original Part 36 (now referred to as "Stage 2" noise limits); (2) FAR Amendment 36–8 (43 FR 8722; March 2, 1978; corrected at 43 FR 44474; September 28, 1978) which was the completement of Amendment 36–7, and prescribed more restrictive acoustical change requirements for "Stage 2 airplanes" with high-bypass ratio engines and brought Part 36 into greater conformity with international aircraft noise standards; (3) FAR Amendment 36–9: "Aircraft Noise Measurement and Evaluation Specifications" (43 FR 88731; March 2, 1978, corrected at 44 FR 3031; January 15, 1979) which up-dated and clarified the procedures and standards for conducting noise certification tests for the tranport category large airplanes and turbojet powered airplanes; and (4) FAR Amendment 36–10: "Civil Supersonic Airplane Noise and Sonic Boom Requirements" (43 FR 28406; June 29, 1978) which applied Part 36, with appropriate amendments, to Concorde SST aircraft. Thus, FAR Part 36 currently prescribes noise standard regulations applicable to the following aircraft classes:

1. Subsonic transport category large airplanes and turbojet powered airplanes (regardless of category or weight).

2. Propeller-driven small airplanes in the normal, utility, acrobatic, transport, and restricted categories.

3. Concorde civil supersonic transport airplanes.

VI. Need for Regulation

An FAA forecast indicates that during 1980 the civil rotorcraft fleet of 5300 aircraft will fly 2.1 million hours. Within general avaition, helicopters rank second to turbine-powered airplanes in the average number of hours flown per year (400 hours for helicopters compared to 540 hours for turbine-powered airplanes). The highest rate of aircraft utilization of helicopters, however, is forecast to remain in the civil air carrier fleet with approximately 2600 hours per aircraft during 1980. In addition, turbine-powered helicopters, which are generally more expensive than piston-powered helicopters, tend to have a higher utilization rate. The only scheduled carrier currently operating helicopters has a current annual per aircraft utilization rate of 1233 hours. On the other hand, the average privately owned helicopter is used for about 359 hours during the year while those owned by businesses for corporate/executive use have an annual utilization rate of 627 hours.

A 1976 industry directory of helicopter operators in the United States, Canada and Puerto Rico lists 2097 U.S. (including Puerto Rico) operators utilizing a fleet of 5030 helicopters. Business/executive use of helicopters in 1976 increased 29.9% (to 1082 operators) and the number of helicopters used for business purposes rose 31.8% (to 1392 helicopters). A 1977/78 industry directory of heliports also indicated that there are 3,286 public and private use heliports in the United States. Approximately 9% of these heliports are rooftop facilities located in urban areas.

Helicopters are being used as emergency, traffic control, and law enforcement vehicles. Victims of traffic accidents, natural disasters, or other emergencies are frequently transported by helicopter directly from the scene to hospitals or shock trauma centers. There were 699 hospital heliports in the United States, listed in the industry directory.

The emergency rescue capability of helicopters is fully recognized by responsible officials in several major metropolitan areas today. For example, city ordinances in Chicago and Los Angeles require that buildings above a certain height be provided with rooftop emergency landing facilities for helicopters because modern fire-fighting apparatus cannot reach above eight floors. As other municipal governments recognize the need to provide increased protection for high-rise inhabitants, the number of heliports for both routine and emergency uses may increase significantly.

A growing civil helicopter fleet combined with increased and more diversified uses of helicopters has intensified the demand for establishing additional heliports. However, concern for our quality of life has slowed the rate of heliport establishment and, in some instances, has caused various restrictions to be imposed on heliport operations.

In other cases, environmental pressure has forced the closing of certain heliports with the resultant loss of helicopter services at those locations. The FAA believes that the adoption of appropriate helicopter noise standards will help alleviate the adverse impacts on the public by reducing both the noise levels of helicopters and the trends toward impairing or losing the benefits of their services in the air transportation system.

In considering the noise standards in the proposed rule, it was necessary to consider the levels attainable from current production helicopters and the reductions in noise levels achieved by research demonstrators. To determine current noise levels, tests of actual in-service helicopters were conducted in 1977 by the FAA and the Department of Transportation at Dulles International Airport near Washington, D.C., and at NASA's Langley Research Center. This interagency effort was actively supported by the Helicopter Association of America and was, in turn, a part of larger cooperative venture by the International Civil Aviation Organization (ICAO). During these tests, noise data were recorded from eight representative types of helicopters. The testing consisted of hover, level flyovers at 500 feet and approaches on 3°, 6°, and 9° slopes. Data were processed in various noise units, (dBA, EPNdB, PNdB, PNdB(T), etc.) and the results are presented in Report No. FAA–RD–77–57, "Helicopter Noise Measurements—Data Report," April, 1977. These data are supplemented by other information available from the ICAO and published reports. Helicopter takeoff noise studies were included in FAA's recent studies at its National Aviation Facility Experimental Center (NAFEC) in New Jersey. Noise tests similar to those proposed in this notice were conducted on eight representative types of helicopters, including three of foreign manufacture. Those studies are reported in Report No. FAA AEQ–78–21, "Noise Levels and Flight Profiles of Eight Helicopters Using Proposed International Certification Procedures," Preliminary Report, August 29, 1978. Those reports are contained in the rules docket for this notice. Copies may also

be requested from FAA's Office of Environment and Energy, 800 Independence Avenue, SW., Washigton, D.C. 20591

In light of the considerations listed under § 611 of the Act, the FAA has also reviewed the helicopter as a noise source affecting persons and property in the areas in which they operate. Based upon its review and studies, the FAA believes that it should adopt appropriate helicopter noise regulations to provide the necessary relief and protection to the public health and welfare contemplated by § 611 of the Act. The FAA believes the proposals contained in this notice, if adopted, will achieve that objective by preventing further escalation of helicopter noise levels and laying the regulatory foundation for assuring that future helicopter types and eventually all newly produced helicopters of older type designs comply with firm but realistic noise standards. The FAA agrees with many commenters responding to Notice No. 73–32 that noise control technology exists which should be applied in the reduction of helicopter noise. The noise standards proposed in this notice are intended to accomplish that result consistent with the considerations under § 611(d) of the Act. The technical aspects of the need for the proposed regulation are discussed in more detail in the environmental assessment prepared in conjunction with this notice.

VII. Background of the Proposals

A. Overall Objectives

In developing appropriate noise rules for a new regulatory class of aircraft under § 611 of the Act, there are several general objectives. Those objectives were evidenced in adoption and subsequent amendments to FAR Part 36. Initially, noise standards should prevent further noise increases by older and current aircraft types. They should require new aircraft types and eventually newly produced aircraft of older types to comply with specific noise level limits. The noise test methodology for showing compliance should provide a basis for reliability and repeatability of test data which reflect the state of the acoustic arts and properly accounts for the noise characteristics of the aircraft without undue burden in conducting the tests. While the rules should be fair and impartial, they should not excuse the short-comings of design selection which does not take advantage of currently available noise technology. The FAA believes the regulation proposed in this notice accomplishes those objectives consistent with § 611 of the Act.

B. General Background

The helicopter is a complex vehicle form a noise standpoint. Significant noise producing components in the system include the rotor or rotors, engine, and gearbox. Differences in applied design technology cause somewhat different noise characteristics; some helicopters use a main rotor for lift with an antitorque tail rotor, other helicopters use fore and aft main rotors while others use meshing main rotors or dual contrarotating main rotors without a tail rotor. Main rotor configuration and operation also vary significantly from helicopter to helicopter. Some manufacturers use high tip-speed, two-bladed main rotors while other manufacturers use as many as seven blades operating at lower tip-speeds. Further, some aircraft manufacturers have developed "hybrid" aircraft which, to varying degrees, employ both wings of an "airplane" and an engine-driven rotor of a "rotorcraft" to furnish lift during takeoff, hover, or landing. Some of these aircraft are called "gyrodynes." To the extent that an engine-driven rotor is utilized to furnish lift, the aircraft shares many of the noise and performance characteristics of a helicopter. To avoid unwarranted discrimination in the application of the proposed standards and to ensure full evaluation of the § 611 considerations, including economic reasonability, technological practicability, and appropriateness to the type of aircraft to which the standards apply, this notice proposes to incude those "hybrid" aircraft that derive lift from an engine-driven rotor within the regulatory class of aircraft to which the proposals apply. However, the proposals do not apply to gyroplanes, whose rotors are not engine-driven, except for initial starting. Comments are specifically invited that provide detailed views and data concerning the regulatory, environmental, economic, and other relevant aspects of that proposal.

Research to establish theoretical prediction techniques for all of the significant helicopter noise producing components has been under way for many years with important success. However, there are some areas where the noise generation mechanisms are not well understood and where further work is required to achieve additional noise reduction. Fortunately, the helicopter as a military vehicle has benefitted from practical noise control studies oriented toward reducing its detectability in hostile environments. This has resulted in a body of knowledge which can be useful in minimizing annoyance for helicopters certificated for civil use.

Since its adoption in November, 1969, FAR Part 36 has been the basis for all Federal aircraft noise regulation in the United States. That regulation was structured to provide a firm, consistent foundation for subsequent rule-making activities to abate and control aircraft noise. Part 36, therefore, includes precise instructions concerning the acquisition and processing of noise data from in-flight aircraft. Differing acoustical test procedures and noise level requirements have been adopted as required to be appropriate for aircraft type. For instance, the provisions dealing with propeller-driven small airplanes (Appendix F) require horizontal flyovers at not less than the highest power in the normal operating range and the use of the dBA unit for noise evaluation; however, for transport category large airplanes and turbojet powered airplanes (Appendix C) there are three-point measurements involving takeoff, sideline, and approach noise. The noise evaluator for these Appendix C aircraft is the EPNdB. Thus, Part 36 prescibes rules that minimize the noise generated by aircraft of each regulatory class without requiring that the noise measurements, units, or limits themselves be identical for all classes. However, for each regulatory class, Part 36 requires application of the best economically practical technology appropriate to that class.

As discussed in Notice No. 73–32, air traffic constraints on the operation of helicopters in terminal areas may vary considerably and may be severe at large airports with little or no restaints at smaller airports and heliports. Similarly, the range of community noise sensitivity varies from critical at some metropolitan heliports to negligible at remote locations or at designated helicopter pads at major commercial airports. Thus, while some noise advantage can accrue from the unique operational capabilities of the helicopter (such as steep or vertical climb and descent), this advantage is sometimes negated by operational contraints or heliport size. Helicopters are often operated from small heliports in congested areas and flown at relatively low altitudes. As a result, the noise impacts of such aircraft can be significant to the surrounding communities.

Many of the respondents to Notice No. 73–32 pointed out another issue regarding helicopter noise type certification. This is the choice of an

appropriate noise descriptor unit. As discussed earlier, FAR Part 36 already employs two such descriptors, dBA and EPNdB. In proceeding with rule making, it is necessary for the FAA to consider whether either of these units, or a modification of one of them, or a totally different unit is appropriate for helicopters. To do this requires an examination of characteristic helicopter noise sources.

C. Helicopter Noise Sources

The principal noise sources of helicopters are those associated with the main rotors or main and tail rotors, drive engines, and gearboxes. These sources produce both broadband noise, extending over the entire audible spectrum, and discrete frequency noise, which may or may not itself be detectable to the human ear. Under certain flight conditions, helicopter rotors may also generate a distinctive impulsive noise, descriptively termed "blade slap" or "banging." However, blade slap often can be minimized or avoided operationally by using the proper combination of airspeed and rotor speed.

1. *Rotor Noise.* Rotors produce noise due to the fluctuating aerodynamic forces on the blades and the displacement of the air by the blade section. Also, at high tip-speeds and high flight speed, the flow over the blade section can exceed sonic velocity near the tip and a local, moving shock wave is generated. Finally, time-varying blade loads may occur due to interaction with atmospheric turbulence, tip vortices, or the flow from another rotor.

Characteristic rotor noise signatures consist of both discrete frequency and broadband components. The discrete frequency components are referred to as "rotational noise harmonics" and occur at multiples of the blade rotation (RPM) frequency. Rotational noise is a result of the pressure field caused by the rotor blade loading due to torque and thrust. Interaction with ingested turbulence or tip vortices can significantly increase harmonic content of rotational noise. Cyclic pitch and forward flight can give rise to a blade loading which varies once per revolution. Under certain conditions, this can cause impulsive noise, characterized by highly annoying "banging" sounds.

The origin of much of the broadband rotor noise is the turbluence contained within the air flow into the rotor blades. The FAA believes that prediction of rotor broadband noise, based on rotor geometry and operations, using empirical procedures has become highly acceptable. However, the success of such methods can be misleading in that they do not model the detailed acoustic and aerodynamic processes, but rely on generaliations of existing test data. However, the FAA believes that adequate rotational noise theory exists to make valid predictions of helicopter rotor noise. The limitation of these predictions appears to be that an adequate definition of the required input parameters, such as blade loading, is required for accurately predicting the noise. The FAA believes that additional work in this area on actual vehicles is necessary before noise reductions larger than those proposed in this notice can be achieved without resorting to costly empirical "cut-and-try" development of helicopter designs.

Impulsive noise can be considered as a special case of rotational noise. Interactions between tip wake filaments and the rotor blades are one major cause. Compressible aerodynamic effects are another major cause. One difficulty in calculating noise of vortex filament interaction is specifying the details of the aerodynamic flow immediately ahead of and around the blade. This is due to the complex and variable trajectories of the vortex filaments and the blades during operation. The impulsive noise that occurs during high speed cruise of a single rotor helicopter is believed to be caused by the increase in compressible drag on the advancing rotor blade due to the high resultant of rotational and flight speed. As in other rotor noise predictions, further study is needed on the specific quantification of the aerodynamic inputs required for the calculations. Further, it should be noted that the propagation of high-intensity, short-duration sound pulses, such as those generated by the above methods, is often different from that created by low-intensity, sound signals. Typically, these "finite amplitude" sounds have been studied in relation to a noise characteristic referred to as the "blast phenomena."

2. *Engine Noise.* Helicopter engines typically produce noise over a broad frequency range. In turbine engines, the compressor generally contributes to high frequencies while engine exhaust dominates at low frequencies, although high frequency turbine tones occasionally occur in the exhaust. Engine noise research has received recent attention because of its importance in turbofan engines. The noise components of engines identified in these studies are jet noise, combustion noise, turbine nose, and compressor noise. Jet noise in helicopters is not considered significant for today's helicopters because of the relatively low exhaust velocities of turboshaft engines as compared to turbojet engines. Combustion noise, which appears as a broadband noise that peaks near 400 Hz, is often the dominant component of noise from turboshaft engines, like those used on helicopters. Turbine noise appears at higher frequencies and consisits of tones and broadband noise. Compressor noise occurs at high frequencies and is the lowest level component of engine noise. Generally, compressor noise is most easily suppressed with sound absorbent duct liners.

Two basic approaches to engine exhaust noise suppression can be used. The first appraoch actually reduces the noise produced through changes in engine design or operating parameters. That approach appears promising for future engine designs, but may result in increased weight and size or increased fuel consumption when compared to current engine configurations. The second approach is the use of acoustically treated ducts to attenuate the noise generated. This approach increases aircraft weight and may adversely affect engine performance.

Turboshaft engines installed in helicopters greatly increase high altitude/hot day performance capabilities and are lighter in weight than reciprocating piston engines of comparable power. The lower weight powerplant increases the useful loads of helicopters. For example, a Bell 47G–4A is normally powered by a 305 horsepower piston engine weighing 444 pounds. The same helicopter has been modified to be powered by a 420 (derated) equivalent, shaft-horsepower, turbine engine weighing 158 pounds. Thus, the useful load of the turbine powered version is essentially increased by 286 pounds and the advantage of the increased high altitude/hot day performance capability attributable to the turboshaft power installation. However, that increased useful load and higher performance also involve the higher cost of the turboshaft engine. The FAA believes that the demand for lower priced piston powered engines will continue for many years filling the need for less expensive personnel, training, law enforcement, and light utility helicopters.

Noise control technology for piston powered engines can be applied to helicopters powered by those engines. Installation of improved muffler kits has greatly reduced the engine noise emitted by piston powered light helicopters. Hughes Helicopters has certificated its Model 300 CQ which, in addition to

having a dual muffler kit installed, may be flown in a quiet mode at 93% engine RPM. Operating in this mode at 50 MPH, the helicopter noise has been measured at 65 dBA at 500 feet vertical distance. Pending the availability of lower cost small turbine engines, small helicopters powered by piston engines will continue to enter the civil helicopter fleet well into the decade of the eighties. In the meantime, the FAA believes that the noise abatement methodology for small, piston engine helicopters can equal or better the technology applied to turbine powered small helicopters. Accordingly, the proposed rule applies to helicopters powered by both turboshaft engines and piston powered engines consistent with the considerations of § 611 of the Act.

3. *Gearbox Noise.* Gearbox noise sometimes can be detected in the noise signature of a helicopter due to direct radiation from the gear casing or from reradiation from the structure coupled to the gearbox. However, gearbox noise is not generally considered a significant exterior acoustic problem of current helicopters. Nevertheless, as quieter helicopters are developed in the future, they may require gearbox noise suppression. Significant progress has been made in understanding gearbox noise mechanisms over the past eight years. This has included development of both analytical and empirical noise prediction procedures. The empirical methods are relatively easy to use and offer reasonable accuracy in helicopter applications. Analytical methods, on the other hand, require a great deal of detailed design information and, at this time, still require some empirical corrections. The FAA believes that the empirical procedures are best used to estimate levels of existing gearboxes while the analytical procedures find their best application in diagnosing noise problems in new gearbox designs and developing source noise suppression techniques.

4. *Conclusion.* Extensive literature exists on the understanding, description, and prediction of these noise sources. Studies range from simple empirical equations showing the relation of a few gross design and operating parameters with the resulting noise to extensive open-form solutions requiring detailed design information which can be applied only by means of a high speed computer. The state-of-the-art in source noise understanding and prediction has by no means progressed to the point where all aspects of the theory have been fully developed. However, the solutions to fundamental noise problems are reasonably well understood and predictable in principle. Application of the currently available theories and methods to the designing or redesigning of components has generally resulted in noise reduction, although a deeper understanding in some areas, especially those related to broadband noise, is required to achieve substantial reductions without extensive developmental testing. The FAA believes that the noise standards proposed in this notice would prevent escalation of helicopter noise levels above levels supported by current technologies and provide a regulatory basis and incentive for future helicopter design developments to improve upon the state of the art.

D. Noise Tests

For all regulated classes of aircraft, except propeller-driven small airplanes (12,500 pounds or less maximum weight), FAR Part 36 prescribes noise standards in terms of a three-point measurement scheme. The purpose of those measurements is to adequately measure and limit noise emissions during both takeoff and approach by requiring the application of noise reduction and suppression technologies that are economically reasonable, technologically practicable, and appropriate for the particular type of aircraft. Since the major noise source of current conventional turbojet powered aircraft is the turbofan or turbojet engine, that three-point technique was designed to measure and limit the engine inlet, fan discharge, and core jet exhaust sound emissions. However, helicopters have considerably different noise sources and operational trajectories than conventional airplanes. Therefore, any appropriate rule must take into consideration these different characteristics and must fairly measure the noise in such a way that the noise reductions achieved through certification limits actually accrue to the benefit of the public health and welfare. Further, any rule should encourage the application of all appropriate noise control technology that is practicable within economically reasonable constraints and consistent with the highest level of flight safety. As an illustration, one of the most significant parameters to rotor noise source mechanisms is rotor tip-speed. However, limitation of tip-speed can lead to retreating blade stall, decreased autorotative capability, and diminished maneuverability. In addition, for a given airfoil, any significant loss of lift caused by lower speed must be offset by increased rotor solidity. To compensate requires either more blades or blades with wider chords. As an example, when Boeing Vertol modified a CH–47 Chinook helicopter as a demonstrator, the modifications included:

(1) Increased aft pylon height and longer fuselage to avoid tandem rotor blade/wake interaction.

(2) Advanced airfoils including thin tips to minimize vortex shedding.

(3) Four-bladed rotors, replacing three-bladed versions, to permit a decrease in tip speed.

Those modifications completely eliminated the blade vortex interaction noise resulting from the tandem rotors during forward flight. They also noticeably reduced rotational noise. The result in forward flight was a reduction of 23 decibels in the one-third octave band centered at 125 Hz. However, those changes may also result in corresponding (although not necessarily proportional) increases in direct operating costs and decreases in useful payload weights. For example, an industry report stated that a 10% decrease in rotor tip speed could result in approximately 6% decrease in payload weight.

An airfoil shape optimized for high-speed, low-noise forward flight is different from one optimized for hover performance. The differences in airfoil results in differences in both rotor aerodynamics, and noise signature. Thus, the acoustical characterists of a rotor that has been optimized for one type of operation may differ from the characteristics of a rotor designed for maximum performance in another operating mode. Since consideration of any noise certification rule promulgated under § 611 of the Act must include appropriateness to type of aircraft to which it applies, it is necessary to require adherence to standards that do not encourage meeting the prescribed noise limits by redesigning the aircraft for lower noise under one operating condition at the expense of significantly higher noise at other modes in which the helicopter may be operated. FAR Part 36, Appendix C, addresses this issue for subsonic turbojet powered aircraft by setting takeoff, sideline, and approach noise standards. In fact, measurements of sideline noise at several locations are required to assure that fan exhaust noise along the sideline during takeoff does not increase disproportionately as jet noise radiated rearward is diminished. For helicopters, the requirements to demonstrate the balanced application of appropriate noise reduction technoloy can be met by the use of three relatively simple flight test procedures indicative of standard operations. These are: (1) A takeoff noise test; (2) a flyover noise test; and

(3) an approach noise test. A separate hover noise test was considered but is believed to be unnecessary since (1) the blade design technology which would be demonstrated by such a test is equally evident to sideline microphones during the takoff, flyover, and approach flight test procedures, (2) hover time represents less than one percent of the operating time of helicopters during normal operations, and (3) narrow band frequency data of hover show evidence of a ground-plane-reflection effect which complicates the repeatability and reliability of these data under separate tests.

Thus, the three flight test series and the noise measuring points were selected to require the balanced application of available noise reduction technology to certification of helicopters under the proposal. The interrelationship of noise levels, test methodology, and noise measuring points results in a noise standard that achieves the greatest noise reduction consistent with the considerations under § 611 of the Act. Necessarily, under the proposed standard those factors are interdependent in achieving the noise reduction objectives. The selection of the particular levels, methodology, and distances for the proposed rule accounts for the operating noise emission characteristics of helicopters. The FAA believes the computation of three average noise values, one for each flight test series, ensures that the recorded noise data in each three microphone array properly reflects the full range of data produced during each noise test and the appropriate weighting of measured noise levels at each noise measuring point.

The FAA believes that the versatile operational performance capabilities of helicopters require noise certification test and measurement conditions which differ slightly from those currently applied to airplanes. For example, a six degree approach is proposed to accomodate the helicopter's ability to conduct steep approaches at relatively show airspeed. For the takoff test, the microphone is proposed to be located only 1650 feet from the point at which takeoff power is applied to permit the measurement of the noise levels of the helicopter while in the best rate of climb attitude at high power and rotor settings. In the flyover series, the reference speed proposed is 90% of either the maximum speed in level flight with maximum continuous power (V_H) or the never-exceed speed (V_{NE}), whichever is lower, since it represents a high cruise speed in level flight at a high gross weight and high power and rotor settings. The noise levels recorded at the measuring points are expected to represent those which can be achieved using normal piloting techniques in the heliport/helistop operating areas. The FAA believes that the proposed test conditions can be duplicated practicably and safely in normal operations and the resulting noise levels are those that flight crews can achieve by using normal helicopter operating techniques.

E. Noise Descriptor Unit

Various noise rating scales intended to accurately assess the subjective, or perceived, response to aircraft noise have been investigated for more than twenty years. Some difficulties of conducting meaningful tests occur where the results are determined by persons judging different types of sounds (particularly in test chambers using recorded aircraft sounds). Those tests have led to considerable confusion about the various rating systems and units. Since the noise description unit chosen for use under the proposed standard must be appropriate to helicopters, the FAA, in association with the International Civil Aviation Organization (ICAO), Working Group B, has devoted considerable attention to the technical consideration underlying that selection. Particular attention was paid to the two noise units (dBA and EPNdB) currently used in Part 36 and to variations of those units. As previously indicated, the dBA unit is currently used for propeller-driven small airplanes (12,500 pounds or less maximum takeoff weight), while the EPNdB unit is used for all transport category large airplanes (above that weight) and turbojet powered airplanes, including Concorde supersonic transport airplanes (SSTs).

The EPNdB unit was not adopted for the lighter weight propeller-driven airplanes because it was found to be unnecessarily complex for the nature of the noise problem being regulated. Instead, the dBA unit was chosen to make the measurements of noise from light, propeller-driven airplanes more compatible with measurements used for the broad range of industrial and transportation noise sources. However, most recognized noise problems that occur as a result of helicopter operations (even for small helicopters) more resemble those encountered with transport category and turbojet airplanes than those from the light, propeller-driven airplanes. This is, in part, because helicopters are most often operated in support of commercial or industrial activities rather than as personal or pleasure aircraft. Also, because of their unique operating characteristics, they often operate at or near both maximum weight and maximum speed at relatively low altitudes over and near urban and other populated areas. Therefore, a unit that accounts for both the presence of tones and the duration of the noise is believed to be appropriate. Since industry, citizens' groups, and governments at all levels have found the EPNdb to be useful in describing and controlling most airplane noise impacts around airports, the FAA proposes the use of this unit for helicopters also. Obviously, there are other potentially useful units and rating systems that either have been or could be devised that also meet these criteria. However, this unit has several advantages. It is already used for certificating a wide variety of other regulated aircraft classes and, therefore, noise impact comparisions among those classes can most readily be made in this unit. In addition, significant amounts of data from current helicopters already exist in this unit which help provide a basis for the FAA to set appropriate noise certification compliance levels.

The FAA has carefully considered alternative versions of and corrections to the EPNdB unit that might be employed. For example, the FAA conducted flyover test demonstrations to determine the usefulness, if any, of several evaluation procedures that included correction penalities for impulsive noise ("blade slap"). After careful consideration and evaluation of the human response data from these tests, it is believed that, at this time, no conclusive support exists for adoption of one proposed adjustment method over another or for any adjustment at all. The impulsive corrections imposed specifically to account for incremental changes in annoyance associated with blade slap have not proven effective. Further psychoacoustic studies should be conducted to determine if subjective response to helicopter impulsive signals would require an annoyance increment to be added to the certification noise unit. However, EPNL at least partially accounts for the reported annoyance due to blade slap. Further, the use of EPNL is fully consistent with current certification procedures. The environmental assessment prepared in conjunction with this notice discusses in greater detail the FAA and NASA reports which form the basis for these conclusions. Thus, the FAA proposes that the unmodified Part 36 EPNdB be employed in the measurement and certification of civil helicopters. Additionally, blade slap is not expected to be present in new technology

helicopters at the noise levels being proposed for certification.

F. Noise limits

In considering the noise level standards to be incorporated into the proposed rule, it was necessary to consider the levels attainable from current production helicopters and the reductions in sound levels achieved by research demonstration. Work on the specific helicopter noise standard issues was begun in 1974 and has been a process involving the FAA, the ICAO, the U.S. helicopter industry through the Helicopter Association of America, the Transportation System Center, the National Aeronautics and Space Administration and the International Standards Organization. Even before the testing methodolgy and noise descriptor unit were selected, the FAA and the ICAO began gathering aircraft noise level data that were taken in accordance with, or correctable to, the alternative procedures selected, including many expressed in terms of EPNL. In some cases, data taken by various countries in evaluating the efficiency of the various testing methodologies and procedures were already available. However, the FAA felt that additional aircraft should be examined in order to evaluate the noise levels attained by current production helicopters and the reductions achieved by research demonstration.

To determine current noise levels, tests of actual in-service helicopters were conducted by the FAA, as part of larger cooperative venture by the ICAO. During these tests, noise data were recorded from eight representative types of helicopters: The Hughes 300C and 500C; the Bell 47G, 206L, and 212 (UH–IN); the Sikorsky S–61 (SH–3), and S–64, and the Boeing Vertol 114 (CH–47B). The testing consisted of hover, level flyovers at 500 feet, and approaches on three, six, and nine degree glide slopes. Data were processed in various noise units, such as dBA, EPNdB, PNdB, and PNdB(T). Additional data were acquired at the FAA's National Aviation Facilities Experimental Center during June, 1979. The flight procedures proposed in this notice (including takeoff, flyover, and approach) were utilized to examine eight types of helicopters. The data acquired is being used to (1) test the feasibility of these FAA developed flight profiles for helicopter noise certification, (2) demonstrate the repeatability of each flight profile by various types of helicopters, and (3) acquire a combination of noise/altitude data on a mix of current production helicopters. These data were supplemented by other data available from the ICAO and other published reports. In all, data from 23 different helicopter models and types were compiled. The table below summarizes the measured noise levels of each helicopter and indicates the noise limit that would apply to that weight aircraft under the proposed noise limits.

In setting a noise level limit under § 611 of the Act, the FAA must consider, among other things, what is "economically reasonable" and "technologically practicable." These considerations have been reflected generally in previous rule making by requiring the application of the best of the currently in-use noise abatement and suppression technologies. The FAA believes that application of a technology in current production or design by at least one aircraft manufacturer provides a strong indication that that technology should be incorporated to satisfy the statutory requirements under appropriate rules. However, care must be taken to ensure that the demonstration of technology application is typical of a broad range of aircraft within the particular regulated class and not just for special purpose, or limited mission aircraft. In this manner, the proposed limits also demonstrate what may be appropriated for the particular type of aircraft to which the limits would apply. For helicopters, there is not just one technology or technique whose use will ensure an economically-viable, low-noise aircraft; rather, there is a family of technologies and related good engineering practices. Quiet helicopters are being developed today because the tradeoffs between source noise and operational productivity are fairly well understood and predictable. The FAA believes that appropriate balancing of these tradeoffs can lead to a better performing helicopter, since it has been shown that frequently what is good for noise reduction is also good for the economic viability of the aircraft in general.

BILLING CODE 4910-13-M

Aircraft Type	Test Weight lbs.	Noise Levels EPNdB					
		Take-off		Approach		Level Flyover	
		Meas.	Limit	Meas.	Limit	Meas.	Limit
H 300C	1804	-	86.1	-	87.1	80.6	85.1
H 500C	2250	85.1	87.1	87.7	88.1	85.8	86.1
Bell 47G	2728	-	87.9	89.6	88.9	90.3	86.9
SA 341G	3970	92.5	89.4	89.5	90.5	86.1	88.5
Bell 206L	4000	85.9	89.6	90.3	90.6	85.8	88.6
AS 350	4180	89.2	89.7	91.2	90.7	87.2	88.7
SA 342	4180	-	89.7	95.5	90.7	88.2	88.7
BO 105	5070	89.1	90.6	91.7	91.6	88.4	89.6
A 109	5390	-	90.9	93.0	91.9	90.4	89.9
SA 360	6600	92.4	91.7	-	92.1	-	90.1
SA 365	7480	-	92.3	94.0	93.3	89.4	91.3
MI 2	7755	-	92.4	96.1	93.4	89.5	91.4
WG 13	9350	91.6	93.2	96.9	94.2	97.7	92.2
Bell 212	10500	91.7	93.7	95.7	94.7	94.6	92.7
SA 3305	15532	95.4	95.4	95.6	96.4	91.4	94.4
SA 330J	16280	97.8	95.7	96.1	96.7	93.6	94.7
S-61	22050	95.9	97.0	94.0	98.0	92.6	96.0
MI 8	25212	-	97.6	99.6	98.6	97.3	96.6
SA 321F	25300	98.4	97.6	98.6	98.6	92.0	96.6
S-65	37000	95.7	99.2	99.9	100.2	97.1	98.2
CH 47	40920	-	99.7	105.4	100.7	107.6	98.7
S-64	42812	-	99.9	98.6	100.9	96.7	98.9
MI 6A	88440	-	103.0	107.4	104.0	103.4	102.0

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While the requirement for consideration of standards that are "economically reasonable" may mitigate against requiring application on any one helicopter of the full range of proven sound attenuation techniques, two separate government-funded programs found that reductions of the order of 12 PNdB were attainable from widely divergent helicopters, the Hughes OH–6A and the Boeing Vertol CH–47C. The manufacturers of these helicopters now offer models that are from six to ten EPNdB quieter for their weights than the previously tested unmodified OH–6A and CH–47C helicopters. Accordingly, the FAA believes that economically reasonable and technologically feasible noise level limits can be established and that the limits proposed in this notice achieve that objective as part of an integrated and comprehensive noise standard. The proposed noise limits for each test series (takeoff, flyover, and approach), are proposed in conjunction with the proposed noise measurement, evaluation, and calculation specifications.

From the noise test data collected and analyzed, the FAA believes that the maximum helicopter weight to noise level ratio represents an increase of 3.01 dB for each doubling of the maximum weight. Both the FAA and the ICAO technical working group have, therefore, proposed noise standards which reflect that relationship. Under the proposal, for each noise test series, the highest noise limit, which is for maximum weights of 176,370 pounds and more, is reduced by the 3.01 EPNdB ratio for each "halving" of the 176,370-pound weight down to the lowest noise limit for maximum weights of 1,764 pounds and less. For takeoff noise the proposed noise limits varies according to maximum weights between 86 and 106 EPNdB; for flyover noise, between 85 and 105 EPNdB; and for approach noise, between 87 and 107 EPNdB. Based on its review of helicopter noise levels and a recent study to determine economically reasonable and technologically practicable noise limits, the FAA believes that these proposed noise limits are consistent with the considerations of § 611 of the Act. A more detailed discussion of the proposed noise limits and their basis is contained in the environmental assessment of this proposal.

Under the proposed tradeoff provisions, the calculated noise limits may be exceeded for one or two noise test series if the sum of any exceedances is not greater than 3 EPNdB while any exceedance for any single test series is not greater than 2 EPNdB and any exceedances are completely offset by noise below those required for the remaining calculated noise levels. As for turbojet powered aircraft under Part 36, permitting these limited exceedances for helicopters provides needed flexibility in design parameters within reasonable noise prediction tolerances.

G. Noise Measurements and Evaluation

The FAA proposes to require that sound pressure level data for helicopter noise certification be obtained, recorded, and analyzed with acoustical equipment under measurement and evaluation procedures substantially as prescribed in current Appendixes A and B of FAR Part 36. However, certain substitute requirements, which are specifically identified as such in the text of the rules, are proposed to better account for differences in helicopter noise characteristics from those of conventional airplanes. For example—

1. Separate noise level data from these three flight test series (takeoff, flyover, and approach) would be recorded by an array of three microphones at noise measuring stations 492 feet apart along a straight line perpendicular to the reference flight track. The center microphone, at the flight-track noise measuring station, would be directly under the reference flight path, 4 feet (1.2 meters) above the ground.

2. The flight-track noise measuring station would be overflown at least six times for each of the three noise test series (3 in each direction for the flyover test). As under current Appendix A, after correction and adjustment, the test results would be required to produce average EPNdB values (and their 90% confidence limits) for each test series. The samples must be large enough to establish statistically the required 90% confidence limits not exceeding ± 1.5 EPNdB for each test series. No test result may be omitted from the averaging process, unless otherwise specified by the FAA. The calculated average EPNL values for each test series, within the 90% confidence limits obtained by the foregoing process would be those by which the noise performance of the aircraft would be assessed against the noise certification criteria, and reported to the FAA.

The FAA is also considering alternative proposals regarding the permissible exclusion of certain "pseudotones" from the calculation of tone corrections in computing the Effective Perceived Noise Levels (EPNL) for helicopters under proposed § H36.201. Under § B36.5(m), which might be incorporated by H36.201, tones resulting from ground-plane reflections in the 800 Hz and lower one-third octave bands may be excluded during the calculation of the tone correction used in computing the EPNL. To qualify for this exclusion, the pseudotones "must be clearly identified as not being related to the engine noise." However, while they may be excluded from the tone correction they are included in the noy calculation portion of the EPNL computation.

That permissive exclusion (at the option of the applicant) was included in Part 36 to avoid penalizing applicants for nonaircraft related effects resulting solely from the geometry of the microphone installation during aircraft tests. Such pseudotones are seldom, if ever, discernible by people exposed to conventional turbojet aircraft noise but have been shown to artificially influence the computed EPNL value. The objective of noise certification is to require the application of the best economically reasonable noise reduction technology to further protect the public health and welfare. Therefore, exclusion of pseudotones for turbojet and turbofan powered aircraft is justifiable when those tones are not related to the application of technology or to the public health and welfare.

In its decision to recommend the use of EPNL for helicopter noise certification, the ICAO technical working group examined the efficacy of also applying the pseudotone exclusion to helicopters. However, because of the pronounced low-frequency tonal characteristics of helicopter noise (particularly in the presence of blade slap), they found that removal of the pseudotones could interfere with an adequate assessment of the effects of helicopter noise. Further, the use of the average of three microphones for helicopters instead of the one used for turbojets, appears to blur the influence on the reported EPNL.

The FAA believes, based on current analysis, that the ICAO assessment is correct. Accordingly, proposed § H36.201(b) would specifically disallow exclusions of pseudotones from tone correction calculations. However, the FAA also believes that further technical investigation is needed to support adoption of that proposal. Thus, comments are specifically invited which provide technical data and analysis on that issue.

H. Acoustical Changes

Under the proposal, acoustical change approval would be required for changes in type design involving (1) a change to, or by removal of, a muffler or other

component designed for noise control, (2) any design change which results in an increase in maximum rotor RPM, maximum continuous power, takeoff power, or maximum takeoff weight; and (3) any other design change that the Administrator determines might increase the noise levels of that helicopter. While helicopter design and performance changes and noise are closely related, they are also quite costly. The FAA also notes that helicopter derivatives are usually growth versions with increased payload or operating range and, thus, increased weight. The costs of redemonstrating compliance with airworthiness requirements by these heavier versions is quite high due to the primary and secondary effects of those changes on the airworthiness characteristics of the "parent" helicopter type. The FAA believes that most acoustical changes would result from design changes made by the holder of the type certificate rather than individual owners of the helicopters. However, the proposed rule applies to design changes regardless of who makes them or whether the changes are to an in-production or post-production aircraft. Thus, all design changes that might increase noise levels would be covered by one or more of the proposed acoustical change elements and those kinds of changes that the FAA believes inherently affect noise levels are specifically identified. Other design changes must be analyzed to determine whether they might involve noise increases.

Acoustical change approvals applied for on or after the effective date of the rule would be governed by one of the three basic requirements. Any Stage 1 helicopter before a change in type design would not be permitted, after the design change, to increase any noise level created prior to the change in type design. Each Stage 2 helicopter before a change in type design, would be required to continue to be a Stage 2 helicopter by showing compliance with Stage 2 noise levels after the design change.

I. Operating Limitations and Information

Under the proposal, as is currently required for other aircraft under Subpart G, the test procedure used for noise certification, the required "no determination" statement, and the certificated noise levels would be provided in any combination of approved rotocraft manual material, markings, and placards. If the helicopter is noise certificated at less than the maximum certificated weight, that lesser weight must be shown as an operating limitation.

VIII. Comments to Notice No. 73–32

As previously indicated, interested persons have been afforded an opportunity to participate in the development of proposed short-haul aircraft noise regulations, including those which would apply to helicopters. Those comments received have been reviewed and duly considered in proposing this rule-making action. Nineteen commenters responded to the ANPRM (Notice No. 73–32). Comments were received from foreign and U. S. governmental agencies, foreign and domestic aircraft and aircraft engine manufacturers, and aviation trade/industry associations. The issues addressed by the commenters were mainly those objectives and inquiries posed in the ANPRM. Of particular importance to this notice, the comments addressed the prematurity of proposing noise regulations at this time for short-haul aircraft as a whole or for aircraft subclasses other than helicopters. Many commenters offered general support for, and recommendations regarding, the form and substance of separate proposed noise rules for helicopters.

As noted by several commenters, many aircraft with short or reduced takeoff and landing characteristics are currently type certificated under airplane categories already subject to the noise standards under Part 36 (Subpart A, covers transport category large airplanes and turbojet powered airplanes, and Subpart F, covers propeller-driven small airplanes). As vertical and short takeoff and landing airplane technology advances, it may be appropriate for the FAA to consider and adopt airworthiness and environmental standards separately for new or revised classes of aircraft. This notice, however, proposes noise regulations only for helicopters in the normal, transport, and restricted categories for which airworthiness standards already exist under FAR Parts 21, 27, and 29. This response to comments submitted to the docket for Notice No. 73–32 focuses primarily on those issues affecting a proposed helicopter noise standard. However, while the FAA has decided not to proceed with proposed rule making at this time except for helicopters, these matters concerning nonhelicopter issues have been fully considered. That decision does not commit the FAA to a particular course of action in any future regulatory proceeding regarding airworthiness or environmental regulations concerning advanced technology vertical or short takeoff and landing aircraft as separate regulatory classes. The comments submitted are discussed as follows:

A. A "Short-haul" Aircraft Class

Most commenters addressed the use of the term "short-haul" to describe the affected class of aircraft and the criteria for defining the composition of that class. From the various views, the disagreement among commenters was clearly evident regarding the prospective regulatory class and which characteristics of the various aircraft discussed in the ANPRM should control in determining appropriate classes and subclasses. Most comments pointed up the complexities and competing objectives involved in attempting to define for noise regulation purposes a broad, yet undeveloped class of aircraft for which no separate airworthiness standards have been prescribed. However, many commenters recognized the commonality among, and unique characteristics of, helicopters. Most of those commenters viewed the helicopters as a readily identifiable class for which there is a demonstrable need to develop and prescribe noise standards separately from other possible shorthaul aircraft subclasses. (Since the ANPRM used the term "short-haul" to identify the affected class of aircraft, that term is used in this notice rather than any other, sometimes more descriptive, term suggested by commenters.)

The FAA agrees that a satisfactory definitional basis of "short-haul aircraft" for noise purposes is still lacking. It also agrees with the suggestion that it may be necessary to prescribe individual standards for various subclasses of short-haul aircraft. Helicopters are distinguishable from other possible short-haul aircraft subclasses. Helicopters do not require the same facilities as fixed-wing aircraft. They have different operating and noise emission characteristics from other aircraft. Siting considerations for many heliports differs considerably due to the operational characteristics of helicopters. The FAA believes the rule proposed in this notice reflects those distinctions and provides appropriate noise standards consistent with airworthiness regulations and would generate information on measured noise levels that are indicative of actual in-service helicopter performance. Within the framework of current FAR Part 36, the FAA believes it can adopt noise rules that are appropriate to helicopters and compatible with the structure and concepts of current noise rules. This can be accomplished without patchwork

regulations feared by some commenters. Neither does the proposal establish the unnecessary illusion that, for noise purposes, most, if not all, aircraft are of a single class and should be treated identically under the rules.

The FAA does not agree with the suggestion made by one commenter that this proposed rule should begin by certifying heliports rather than, or in addition to, noise type certification of helicopters. The FAA does not dispute the interrelationships among the factors of aircraft noise levels, operational capabilities, market economics, and airport noise sensitivity in considering the full helicopter noise problem. The FAA agrees that an adequate resolution of those problems frequently must include both aircraft noise regulations and complementary airport noise planning and implementation. However, the FAA believes that the important initial step for the Federal government is to promulgate aircraft noise standards which preclude further escalation of helicopter noise levels and provide the basis for assessing compatibility of operating certain helicopter types in the future at specific locations. Thus, this notice is not intended, and cannot be considered, as leading to rules that would provide the complete resolution of all matters concerning helicopter noise impact on local airport communities. However, within the structure and purpose of FAR Part 36, it proposes the necessary, initial noise type certification standards for helicopters.

As currently stated in § 36.5, which would also apply to certificated helicopter noise levels, "[n]o determination is made, under this part, that these noise levels are or should be acceptable or unacceptable for operation at, into, or out of, any airport." That position is in conformity with the authority and responsibility of the airport proprietor concerning "local option" under the Federal Aviation Noise Abatement Policy, issued by the Administrator and the Secretary of Transportation on November 18, 1976.

Several commenters responded to the objective stated in the ANPRM regarding the extent to which the definition of short-haul aircraft should include assessment of the economic impact and technological feasibility of responsive noise rules.

The FAA agrees with commenters who felt that, while an appropriate regulation would be fair and impartial and not excuse economic or technological shortcomings of certain aircraft characteristics, it should fully account for the economics and technology for maintaining or reducing the impacts on the airport environment. It should do so without needlessly restricting development of aircraft whose operating characteristics are essential if the desired air transportation services at properly designed close-in facilities are to be provided. The FAA believes that it is premature to assess with any degree of confidence the extent to which economic and technology considerations should influence any proposed rule for short-haul aircraft other than helicopters. The differing views and suggestions of commenters on these matters are a further indication that the resolution of the controlling questions involved has not been sufficiently developed for any other regulatory decision to be formulated at this time. Thus, this notice proposes noise standards only for helicopters.

B. Prediction of Noise Level Characteristics

In the ANPRM, the FAA stated its concern on whether it was advisable, or possible, to attempt to set noise standards before the development of a short-haul class of aircraft. Several commenters pointed out that while various noise characteristic prediction methods have been applied to a number of individual aircraft types that might be included in a short-haul or other separate regulatory class, there is no experience which can be viewed as supporting generalizations of those methods to other situations. The problem is not made easier by the lack of a current definition of the potential regulatory class to which the methodology would apply. Landing and takeoff noise characteristics are extremely difficult to predict accurately with any degree of certainty. According to some commenters, many techniques tend to work only to a particular manufacturer's design details and the resulting acoustics data are not generally exchanged among manufacturers, primarily for competitive reasons. Thus, no broad critique of those individual methods had been done by the aviation industry at the time the comments were submitted.

Despite the generally negative tone of comments received on this matter, the FAA notes with encouragement that it has since become the subject of continuing discussion and that most commenters were more positive in their views at that time concerning the availability and development of predictive methodologies for helicopters. Since the FAA is not concerned *per se* with predicting precise noise levels for regulatory purposes, the helicopter's already advanced stage of development and use provides a workable basis of measured noise and performance data of existing types. Further, since 1973 when the ANPRM was published, specific attention and study of helicopter noise characteristics has added considerably to the body of knowledge. FAA's interest in the existence of adequate prediction techniques is in ascertaining whether manufacturers are able to determine which design features must be considered for incorporation at early stages of the designing process to assure their application in new or modified designs. The FAA believes that, based on the comments and its own studies, that capability exists for helicopters; it is improving, and for helicopters as a regulatory class, that capability can and should be applied.

C. Application of Noise Techniques

Many of the commenters responded to the ANPRM inquiry into the extent to which noise reduction methods for "conventional" aircraft can be applied as noise reduction techniques for the various aircraft considered for inclusion within the class of short-haul aircraft. Commenters noted that, except for rotor-wing aircraft, current Part 36 already applies to most of those aircraft included in the proposed short-haul regulatory class. Thus, the issue of noise reduction is essentially whether, and, if so, to what extent under § 611 of the Act, those aircraft should be governed by noise standards specifically tailored to a new class of aircraft in order to account for their distinctive takeoff and landing characteristics. Some commenters pointed out that noise technologies used for conventional aircraft types have limited application or influence on design options that have noise emission consequences for short-haul aircraft. To some, current Part 36 is believed to be ill-suited to provide appropriate noise standards. However, most commenters felt strongly that it is premature to attempt to define a new regulatory class in the absence of separate airworthiness rules or any other correlation among any distinctive performance or environmental characteristics. As previously discussed, the FAA agrees that a satisfactory definitional basis of short-haul aircraft for noise purposes is still lacking and, thus, consideration should be given to other reasons for separate classes of noise rules before a regulatory decision to proceed with rule making can be made. As shown by the differing views and suggestions of commenters, a resolution of the central issues involved

has not been sufficiently developed for any other regulatory decision at this time. The FAA is continuing to monitor developments in those areas and to provide opportunities for directed inquiries into promising areas of investigation. As progress is made, the FAA will consider additional rule making to provide any appropriate amendments to the noise standards under § 611 of the Act.

Several commenters addressed the noise reduction capabilities for helicopters and identified the three main noise sources as engines, rotors, and gear boxes. They generally agreed that engine and gear box noise can effectively be reduced significantly using existing techniques. However, commenters were less optimistic regarding the extent to which rotor noise can be dealt with under then existing methods. At the time comments were prepared, changes in main rotor blade tip speeds had produced some noise benefits but it was felt that the fundamental characteristics were not well enough understood to assume definite benefits would generally be achieved. When tail rotor noise is a factor, commenters were particularly pessimistic about significant results based on the then current knowledge of the means for noise control.

The FAA agrees that there is a reasonable basis for confidence that engine and gear box noise reductions can be achieved. However, the FAA believes that acoustic theory and the state of the art has progressed sufficiently that rotor (both main and tail) noise can also be reduced significantly if noise reduction is a serious design goal just as it is with other performance type parameters. These matters are discussed previously in greater detail under the background of the proposals.

D. Specific Noise Measuring Points

The FAA requested comments regarding whether it is practical to identify specific noise measurement points for certification purposes to provide recorded noise data for the short-haul class of aircraft which can also be used for long range land-use planning and future airport development. Of particular interest to the FAA was the utility of the current Part 36 three point concept for that purpose. Comments were also requested concerning a fourth, more distant, approach noise measuring point to enhance assessment of approach noise levels.

Most commenters, in general, supported the present three point concept for measuring aircraft noise (takeoff, sideline, and approach). Some, however, suggested that in order to account for different characteristics of the aircraft or community noise impacts at various airports for short-haul aircraft, the definitive points should vary in distance. The suggested distances included those from the aricraft (or from the start of takeoff roll or the approach threshold) (1) according to the type of operation for which the aircraft is designed and would be used, (2) according to means of propulsion and lift, or (3) according to the characteristics of the airports it would serve. One commenter noted that no three-point data alone provides adequate information for detailed and specific land-use planning or future airport development. Other commenters stated that the current three-point concept should not be applied directly to helicopters due to their unique operating characteristics. Some commenters supported a two-measuring point approach test to account for aircraft using approach profiles other than a straight, constant speed, gradual descent type profile.

The FAA does not fully agree in all respects with those views. The noise measurement concepts under Part 36 are not intended to prescribe fundamental design parameters of the regulated class of aircraft, to serve as the basis for particular operating procedures or techniques, or by themselves, to be used in developing airport noise plans and implementation. The purpose of noise type certification, based on appropriateness to the type of regulated aircraft, is to ensure the maximum utilization of economically reasonable and technologically practicable noise suppression methodology in the design and construction of aircraft. While additional benefits may be derived from appropriate noise abatement operating rules, the FAA finds no basis to justify reliance on those rules as the sole, or primary means of controlling and abating aircraft noise. The FAA agrees that the noise measuring points for helicopters should not be those currently applied to turbojet powered airplanes but should account for the operating and noise emission characteristics of helicopters. The FAA believes the proposal contained in this notice provides noise measuring points for each noise test series which, when taken together, properly account for those characteristics.

E. Costs and the Rule Concepts

Virtually every commenter expressed doubt that there existed an adequate basis for identifying and quantifying the costs associated with the numerous regulatory concepts which could be proposed to account for the large variety of noise characteristics of a regulated class of short-haul aircraft. Most felt that, until the economic aspects are developed and assessed, any attempt to meaningfully select among alternative regulatory standards is premature and ill conceived. Many suggested that the aircraft data that was available to manufacturers showed an extremely broad range of potential operating and noise emission characteristics for the class of aircraft that would be affected under the ANPRM objectives. Several commenters recommended regulatory concepts which would tie noise type certification and noise levels to specific airport operations to achieve maximum compatibility without undue restrictions on aircraft type designs.

Since in promulgating aircraft noise rules, it must consider whether a proposal is economically reasonable and technologically practicable, the FAA agrees that data involving the cost effectiveness of alternative noise rules considered for application to the broad class of short-haul aircraft identified in the ANPRM have not been developed. Rather than providing a basis for selecting among identified alternatives, the comments as a whole involving the economics of a proposed rule generally pointed out the complexity of developing a broad class noise rule envisioned by the ANPRM objectives. The FAA agrees that an important factor in deciding whether to propose a rule for a particular class of short-haul aircraft is the availability of reliable engineering, economic, and noise data in sufficient quantities for those aircraft. Based on comments to the docket and FAA's review of other information available to it, the FAA believes that a single identifiable regulatory class of aircraft has not yet emerged and that necessary economic data is likewise lacking in adequate detail to permit the development of such a rule. However, the FAA believes there is sufficient certification and noise data regarding helicopters as a class to propose noise standards applicable to helicopters. As the necessary data becomes available, development of additional rules may be considered for an identifiable regulatory class of short-haul types of aircraft.

While the FAA believes that this proposal is economically reasonable, it is aware that detailed economic information is almost exclusively in the possession of aircraft manufacturers and operators. Thus, comments concerning the economic impacts of the

proposal are strongly encouraged and should be detailed and supported to the extent possible. In that connection, it should be emphasized that general or unsupported assertions as to the anticipated economic impact of this proposal will be given limited weight.

The rule proposed in this notice follows the principles suggested by several commenters for providing a simplified three-point measurement with representative flight path tests based on the operating and noise emission characteristics of the aircraft. The FAA also agrees with most commenters who recommended prescribing those noise rules separately from the provisions in Part 36 that apply to other specific regulatory classes of aircraft. However, the FAA does not agree that an entirely new part of the FARs is necessary to accomplish that delineation. The FAA believes that Part 36 can adequately accommodate additional rules for other classes of aircraft based on the general noise type certification concept embodied in the whole of Part 36. Accordingly, the FAA proposes to add a new Subpart H and related Appendix H to FAR Part 36 as the organizational basis for a helicopter noise type certification regulation. However, current provisions governing the measurement and evaluation of noise data in terms of EPNL do not depend on the class of aircraft to which they apply and, with certain substitutions, are proposed as part of the new Appendix H for helicopters. Necessary minor amendments to the FAR Part 21 certification procedures complement the Part 36 proposal.

F. Applicability Dates and Compliance Schedule

The FAA requested comments concerning the applicability and compliance dates that should be specified in a proposed noise regulation for the different subclasses of short-haul aircraft. One commenter felt that compliance with the noise rule should not be required for at least 12 months after publication of the notice of proposed rule making. Several commenters supported adoption of the principle underlying current Part 36 certification, where compliance is related to the date of application for certification or acoustical change approval. In that regard, several commenters suggested applying the standards immediately to all new applications made after a date related to certain regulatory events, such as upon publication of the NPRM or the final rule or after six or twelve months after the adoption of a final rule.

The FAA agrees with those commenters who recognized that a proposed rule for any subclass of short-haul aircraft should require compliance as soon as practicable in light of the factors which the FAA must consider under § 611 of the Act, including the extent to which the proposal contributes to carrying out the purposes of § 611. Based on its experience with noise type certification under Part 36, the FAA believes that the proposed noise regulation, like current Part 36, should require compliance based on the date of the application for type certification or acoustical change approval. Accordingly, the proposed helicopter noise standard would prescribe applicability and compliance consistent with similar requirements of Part 36 for other regulated classes of aircraft. Under the proposal, for applications for new type certificates, the applicability date is the publication date of this notice. For acoustical change approvals, that date would be the effective date of the final rule. For applications to which the proposed rule would apply, compliance would be required if the issuance or approval is made on or after the effective date of the final rule. For standard airworthiness certificates and restricted airworthiness certificates for newly produced helicopters (with no prior flight time), based on type designs certificated before the effective date of the final rule, compliance would be required on and after January 1, 1985, regardless of the date of application.

G. Utilization of Capabilities

In the ANPRM the FAA asked whether limitations could be expected on the actual use of the high maneuverability capabilities of short-haul aircraft due to certain operator practices based on passenger comfort, pilot acceptance, navigation equipment, safety margins, and operating economies. While few comments addressed this area of inquiry, those submitted indicated the possibility that some operator limitations on aircraft capability could occur. However, since those capabilities have not been fully defined and cannot be forecast with any degree of certainty, the matter should be the subject of further investigation before proceeding with future rule making.

The FAA agrees that the particular operational characteristics of these aircraft may differ considerably from those of conventional aircraft and, since conventional aircraft tend to provide the basis for acceptance of current operating techniques, there may be some reluctance to fully adopt and utilize the higher maneuvering capabilities of short-haul aircraft as they become part of future aircraft fleets. The FAA believes that further information will be needed to determine the extent to which any future rules should influence the demonstration and utilization of those characteristics in noise certification and actual operations. As the technology advances, it may become necessary to propose for adoption additional airworthiness and environmental rules. In developing the standards, the FAA would provide the opportunity for public comment on all aspects of the rule, including consideration for pilot workload, passenger comfort and acceptance, and specific flight trajectories and other maneuverability factors. This notice necessarily deals with those matters as they affect helicopter noise standards and comments are invited regarding them as they involve the proposed rule.

H. Enroute Altitudes or Noise Limits

The ANPRM requested comments concerning the need for a minimum enroute altitude or an enroute noise limit for short-haul aircraft based on attainable noise reductions by particular aircraft as they might be flown in in-service operations. Many of the commenters on this issue advanced the proposition that in the total noise abatement scheme for short-haul aircraft such regulatory features should be considered, particularly in developing rules oriented to the control of operational noise or certification rules which involve operating limitations. While specific comments have been duly considered, no decision on recommendations they contain has been made at this time in light of the determination not to propose noise certification rules for short-haul aircraft. The FAA believes that no need has been shown for establishing any enroute noise limit for any regulated class of aircraft. The FAA believes, that the proposed noise rules should be directed only to noise type certification and changes to type design of helicopters.

I. Economic Incentives

Another area of consideration on which comments were invited involved the extent to which economic incentives might be applied through FAA rule making to produce the maximum amount of noise reduction for short-haul aircraft.

Most commenters doubted that the FAA could properly provide direct economic benefits or impose economic penalties to encourage the early or complete application of noise

technology. Those commenters generally felt that the Part 36 noise type certification provides all the economic incentives needed to produce maximum noise reduction consistent with the requirements of § 611 of the Act. Some stated that the constraints of economic reasonableness precludes economic incentives as they are normally applied.

Upon review of the comments in light of its noise certification experience, the FAA agrees that the Part 36 approach to ensuring compliance and application of appropriate noise control technology provides adequate incentives without developing specific economic inducements apart from those inherent in the current rules and their enforcement. The proposal in this notice follows those principles.

J. EPNL as the Noise Descriptor

Effective Perceived Noise Level (EPNL) quantified in units of Effective Perceived Noise Decibles (EPNdB) is the noise descriptor adopted under FAR Part 36 for noise levels of transport category large airplanes and turbojet powered airplanes. In considering the need for proposing noise regulations for short-haul aircraft, the FAA requested comments regarding whether EPNL is the appropriate descriptive unit for noise type certificating the various subclasses of short-haul aircraft.

While most commenters addressed that issue, there was considerable divergence of opinion at that time on the appropriateness of EPNL. Some commenters favored adoption of the A weighted dB unit with necessary tonal and duration corrections. The dBA unit is used in many community noise measurements and is relatively simple and less expensive to apply. Some commenters favored EPNL in order to account for the complexities of aircraft noise characteristics and because it had been use with considerable acceptance for transport category large airplanes and turbojet powered airplanes under Part 36 since 1969. Some who were not particularly enthusiastic about EPNL supported its adoption on the basis of its being better than other known alternatives.

Due to the concerns raised by commenters responding to the ANPRM and a broader controversy that had been ensuing regarding which noise evaluation unit was best in quantifying the impacts of aircraft noise on the public health and welfare, the FAA undertook several studies on the subject. Also numerous independent investigations into aircraft noise descriptors were conducted, including studies by the U.S. Environmental Protection Agency.

A review of those studies and data available to the FAA insofar as they relate to the helicopter noise lead to the proposal to adopt EPNL under the helicopter noise regulation. The FAA believes that helicopter noise levels in units of EPNdB more closely reflect the psychoacoustic response to helicopter noise than any other current unit or adjustment. A more detailed discussion of the bases for that position is presented in the previous discussion on the background of the proposal and in the environmental assessment prepared in conjunction with this notice.

K. Alternative Approaches to the Problem.

In attempting to develop an appropriate proposed noise rule for short-haul aircraft, the FAA indicated its willingness to consider new, unexplored areas of additional study or alternative methods for regulating in a manner that is economically reasonable, technologically practicable and appropriate for the aircraft affected.

While most of the recommendations received from commenters involved matters previously discussed, some commenters recommended entirely different regulatory concepts from those suggested in the ANPRM or followed by current Part 36. Several commenters discussed the areas in which the current understanding of the short-haul noise reduction potential is minimal or totally lacking and which should be investigated before appropriate noise standards are developed. The areas recommended by one or more commenters for further study or experimental programs for short-haul aircraft include the following:

1. Propulsion systems.
2. Powered lift systems.
3. High-thrust approach and reverse-thrust noise.
4. Operating and noise emission characteristics.
5. Performance and airworthiness standards.
6. Operating economics.
7. Safe flight procedures, including passenger reaction to "unusual" rates of descent, altitude changes, or other maneuvers.
8. Special flight characteristics of subclasses of short-haul aircraft.
9. Adequate technical basis for noise measurement units that accurately account for the quantitative and qualitative sound pressure levels that produce annoyance or affect the public health and welfare.
10. Noise test methodologies, including measuring points, which result in measured noise data representative of the operating and noise emission characteristics of each regulated class or subclass of aircraft.
11. More accurate noise prediction methodologies.
12. Acoustic properties of existing architectural structures near airports that would serve the affected aircraft.
13. Ambient noise levels near those airports.

As discussed previously, the FAA agrees that additional information is needed before proceeding with separate rule making for short-haul aircraft other than helicopters.

Two commenters recommended that aircraft noise certification should be in terms of the size and location of land areas which are impacted by specific levels of noise (as depicted by "noise foot-print" or noise contour). One of the recommendations included certification of airports in terms of permitting aircraft operations consistent with noise contours not impacting any noise sensitive areas around the airport.

In developing aircraft noise certification standards, the FAA has considered concepts similar to those recommended by the commenters but selected the regulatory approach currently prescribed in FAR Part 36. (Airport noise certification, as recommended by the EPA, is being considered separately by the FAA and under Notice No. 76–24; 41 FR 1522; Nov. 22, 1976).

As stated in the preambles adopting Part 36 and various subsequent amendments, the FAA has prescribed standards that must be met by aircraft manufacturers for source noise abatement purposes as a condition to FAA certification or approval of their products. The current three-point noise measurement concept specified in Part 36 was adopted, in part, because it provides accurate and repeatable noise levels at each measuring point which can be compared to prescribed noise limits to show compliance. The conditions of noise measurement under Part 36 are intended to ensure that the noise values demonstrated during certification are reasonably representative of those produced in normal operations (and can be repeated) under relatively high power or thrust conditions. However, the standardized certification profile is not intended to prescribe conditions which govern the operation of aircraft at specific airports. Data acquired during noise certification and other specified testing programs are used in the FAA Integrated Noise Model

in describing and defining the impact of aircraft noise around an airport. Under the DOT/FAA Aviation Noise Abatement Policy, it is the airport proprietor who has the primary responsibility for ensuring that airport operations are compatible with the airport community. The integrated noise model was developed to assist the airport proprietors in fulfilling their responsibilities by providing a tool for assessing actual or predicted noise impacts (single and cumulative event contours) directly attributable to the airport operations decisions and their alternatives. Thus, airport proprietors through decisions regarding operations of their airports and the FAA through aircraft (source) noise certification requirements are jointly endeavoring to improve the quality of life of the public near airports. In addition, the FAA will continue to issue appropriate aircraft operating regulations (such as FAR Amendment 91-134, Noise Abatement Landing Flap Setting) to reduce aircraft operational noise, consistent with flight safety and § 611 of the Act.

L. International Standards

In response to Notice No. 73-32, several commenters encouraged the development of noise standards for short-haul aircraft on an international basis through the International Civil Aviation Organization (ICAO). Those commenters stressed that international uniformity in aircraft noise requirements is essential to avoid inconsistency among varying standards adopted by member States and, the potential for unjust economic advantages or disadvantages resulting from those differences.

The FAA agrees that international standards for aircraft noise are very desirable. As part of its commitment to resolving aircraft noise problems on the international level, the FAA continues to work with the ICAO Committee on Aircraft Noise and its various working groups in developing noise standards for various classes of aircraft. In that regard, the FAA is currently involved with the ICAO in its development of international noise standards for helicopters and will actively support the adoption of appropriate standards. The FAA notes that, while international uniformity is a desirable objective, its authority and responsibilities under § 611 of the Act require that it proceed with appropriate U.S. rule making regardless of the prospects for achieving that objective. Accordingly, while every effort will be made to secure adoption of international noise rules through the ICAO, the FAA should continue with U.S. rule making in accordance with the purposes and authority under the Act.

IX. Rule Structure

As part of its proposal, the FAA is considering a substantial reorganizing and restructuring of certain portions of current Part 36 without any change in their substance. In order to improve their usefulness and understandability, the FAA believes that the technical provisions governing the measurement and evaluation of aircraft noise test data under Appendixes A and B should contain only those matters that apply generally to all noise tests for all regulated classes of aircraft which employ EPNL as the quantifying unit. Those provisions which affect each particular regulated class should be prescribed separately in provisions that apply only to that class. In that way, the FAA believes that any potential confusion over which portions of Appendixes A and B apply in measuring and evaluating noise levels in terms of Effective Perceived Noise Levels (EPNL) would be eliminated since those provisions would apply generally unless otherwise expressly provided in those provisions applicable to the particular regulated class of aircraft.

Since Appendixes A and B currently apply only to one regulatory class, transport category large airplanes and turbojet powered airplanes under Subpart C of Part 36, the current regulation achieves that objective. However, if a proposed noise standard for helicopters or any future regulatory class is adopted, the technical specifications would apply to additional regulatory classes and, thus, the statement of regulation would become more complex. Accordingly, comments are specifically invited regarding whether those provisions should be restructured, and, if so, specifically how it should be done in order to improve the presentation and the statement of the rules while retaining their substantive content.

In order to indicate those substantive areas under the proposal which differ from the requirements of current Appendixes A and B (as applied to transport category large airplanes and turbojet powered airplanes), the proposed helicopter noise rule contained in this notice states that the provisions of Appendixes A and B apply, except as otherwise provided under proposed requirements that apply only to noise tests for helicopters. As an alternative to the proposed restructuring of the rules, the approach taken in this notice could be adopted if, after further consideration, the FAA concludes that it is the preferable way to present the rules. Thus, comments are invited on the organizational technique for accomplishing the goal of providing a useful and understandable rule. Suggestions on other means for improving the presentation and statement of the aircraft noise rules, which do not involve changes in the substance of those rules, are also welcomed.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Parts 21 and 36 of the Federal Aviation Regulations (14 CFR Parts 21 and 36) as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

1. By amending § 21.93(b) as follows:

a. By deleting the word "airplane" wherever it appears in the introductory clause and substituting for it the word "aircraft."

b. By adding a new paragraph (b)(4) to read as follows:

§ 21.93 Classification of changes in type design.

* * * * *

(b) * * *

(4) Helicopters, as defined under Part 36 of this chapter, in the normal, transport, and restricted categories. For helicopters to which this paragraph applies, "acoustical changes" include the following type design changes:

(i) Any change to, or removal of, a muffler or other component designed for noise control.

(ii) Any design change which results in an increase in—

(A) The maximum rotor tip speed;

(B) The maximum continuous power;

(C) The takeoff power; or

(D) The maximum takeoff weight of the helicopter.

(iii) Any other design change that the Administrator determines might result in increased noise levels of that helicopter.

§ 21.115 [Amended]

2. By amending § 21.115 at the end of paragraph (a) by deleting the words "§ 36.7 of this chapter" and substituting for them the words "§§ 36.7, 36.9, or 36.11 of this chapter."

3. By amending § 21.183 by deleting the last sentences in paragraphs (e)(1) and (2) and by adding new paragraphs (e)(3) and (4) to read as follows:

§ 21.183 Issue of standard airworthiness certificates for normal, utility, acrobatic, and transport category aircraft.

* * * * *

(e) * * *

(3) For normal and transport category helicopters, as defined under Part 36 of this chapter, that have not had any flight time before the date specified in Part 36 of this chapter, no standard airworthiness certificate is originally issued under this section unless the applicant shows that the type design complies with the applicable noise requirements of Part 36 of this chapter in addition to the applicable airworthiness requirements in this section.

(4) For import aircraft, compliance with this paragraph is shown if—

(i) Compliance is shown with the requirements of paragraph (c) of this section; and

(ii) Either—

(A) The country in which the aircraft was manufactured certifies, and the Administrator finds, that the applicable requirements of Part 36 of this chapter have been complied with; or

(B) Compliance is shown with the applicable aircraft noise requirements of the country in which the aircraft was manufactured and with any additional requirements the Administrator may prescribe to provide noise levels no greater than those provided by compliance with the applicable requirements of Part 36 of this chapter.

4. By amending paragraph (d) of § 21.185 by designating the first sentence as paragraph (d)(1), by deleting the second sentence, and by adding new paragraphs (d)(2) and (3) to read as follows:

§ 21.185 Issue of airworthiness certificates for restricted category aircraft.

* * * * *

(d) * * *

(2) For helicopters, as defined under Part 36 of this chapter, that have not had any flight time before the applicable date specified in Part 36 of this chapter, and notwithstanding the other provision of this section, no original restricted category airworthiness certificate is issued under this section unless the applicant shows that the type design complies with the applicable noise requirements of Part 36 of this chapter in addition to the applicable airworthiness requirements of this section.

(3) For import aircraft, compliance with this paragraph is shown if—

(i) Compliance is shown with the requirements of paragraph (c) of this section; and

(ii) Either—

(A) The country in which the aircraft was manufactured certifies, and the Administrator finds, that the applicable requirements of Part 36 of this chapter have been complied with; or

(B) Compliance is shown with the applicable aircraft noise requirements of the country in which the aircraft was manufactured and with any requirements the Administrator may prescribe to provide noise levels no greater than those provided by compliance with the applicable requirements of Part 36 of this chapter.

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

5. By amending § 36.1 as follows:

§ 36.1 Applicability and definition. [Amended]

a. By adding a new paragraph (a)(4) to read as follows:

(a) * * *

(4) Type certificates, and changes to those certificates, and standard airworthiness certificates and restricted category airworthiness certificates, for helicopters, as defined under paragraph (h) of this section.

* * * * *

b. By amending paragraph (c)—

(1) By deleting the word "airplane" and substituting for it the word "aircraft"; and

(2) By deleting the words "the applicable provisions of § 36.7 or § 36.9 of this part" and substituting for them the words "the applicable provisions of §§ 36.7, 36.9, or 36.11 of this part."

c. By adding new paragraphs (g) and (h) to read as follows:

* * * * *

(g) Each person who applies for the original issue of a standard airworthiness certificate under § 21.183 or of a restricted category airworthiness certificate under § 21.185 of this chapter, for a helicopter, as defined under paragraph (h) of this section, that has not had any flight time before January 1, 1985, must show compliance with the applicable provisions of this part (including Appendix H).

(h) For the purpose of showing compliance with this part, for helicopters in the normal, transport, and restricted categories, the following terms have the specified meanings:

(1) "Helicopters" include other aircraft, except gyroplanes, for which lift is furnished, in whole or part, by an engine-driven rotor during takeoff, hover, or landing.

(2) A "Stage 1 noise level" means a takeoff, flyover, or approach noise level greater than the Stage 2 noise limits prescribed in § H36.305 of Appendix H of this part.

(3) A "Stage 1 helicopter" means a helicopter that has not been shown under this part to comply with the takeoff, flyover, and approach noise levels required for Stage 2 helicopters.

(4) A "Stage 2 noise level" means a takeoff, flyover, or approach noise level at or below the Stage 2 noise limits prescribed in § H36.305(a)(2) of Appendix H of this part.

(5) A "Stage 2 helicopter" means a helicopter that has been shown under this part to comply with Stage 2 noise levels prescribed in § H36.305 of Appendix H of this part.

6. By amending §§ 36.2 and 36.3 by deleting the word "airplane" wherever it appears and substituting for it the word "aircraft".

7. By amending subpart A by adding a new § 36.11 to read as follows:

§ 36.11 Acoustical change: Helicopters.

This section applies to all helicopters in the normal, transport, and restricted categories for which an acoustical change approval is applied for under § 21.93(b) of this chapter on and after (effective date of the final rule).

(a) *General requirements.* Except as otherwise provided, for helicopters covered by this section, the acoustical change approval requirements are as follows:

(1) In showing compliance, noise levels must be measured, evaluated, and calculated in accordance with the applicable procedures and conditions prescribed in Parts B and C of Appendix H of this part.

(2) Compliance with the noise limits prescribed in § H36.305 of Appendix H must be shown in accordance with the applicable provisions of Part D of Appendix H of this part.

(b) *Stage 1 helicopters.* For each Stage 1 helicopter prior to the change in type design, the helicopter may not, after the change in type design, exceed the noise levels created prior to the change in type design. The tradeoff provisions under § H36.305(b) may not be used to increase any Stage 1 noise level.

(c) *Stage 2 helicopters.* For each Stage 2 helicopter prior to the change in type design, the helicopter must be a Stage 2 helicopter after the change in type design.

Subpart G [Redesignated as Subpart O] Subparts G, I, J, K, L, M, and N [Reserved]

8. By redesignating Subpart G as "Subpart O.—Operating Limitations and

Information" and marking Subparts: G, I, J, K, L, M, and N as "[Reserved]".

§ 36.1581 [Amended]

9. By amending § 36.1581 as follows:

a. By amending paragraph (a) after the words "Airplane Flight Manual" in each place where those words appear by adding the words "or Rotorcraft Flight Manual."

b. By amending paragraph (b) in the prescribed statement by deleting the word "airplane" and substituting for it the word "aircraft."

c. By redesignating paragraph (e) as "paragraph (f)" and amending it to read as follows:

* * * * *

(f) Except as provided in paragraph (c), (d), and (e) of this section, no operating limitations are furnished under this part.

* * * * *

d. By adding a new paragraph (e) to read as follows:

* * * * *

(e) For normal, transport, and restricted category helicopters for which the weight used in meeting the take-off, flyover, or approach noise requirements of this part is less than the appropriate maximum weight or design landing weight, established under the applicable airworthiness requirements, that lesser weight must be furnished, as an operating limitation, in the operating limitations section of the Rotorcraft Flight Manual, in approved manual material, or on an approved placard.

* * * * *

10. By adding a new Subpart H to read as follows:

Subpart H—Helicopters

Sec.

36.801 Noise measurement.
36.803 Noise evaluation and calculation.
36.805 Noise limits.

Authority: Secs. 313(a), 601(a), 603, and 611(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1423, and 1431(b)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*); Executive Order 11514, March 5, 1970, and 14 CFR 11.45.

Subpart H—Helicopters

§ 36.801 Noise measurement.

For normal, transport, and restricted category helicopters, the noise generated by the helicopter must be measured under Part B of Appendix H of this part or under an FAA-approved equivalent procedure.

§ 36.803 Noise evaluation and calculation.

The noise measurement data obtained under § 36.801 must be evaluated and calculated under Part C of Appendix H of this part or an FAA-approved equivalent procedure.

§ 36.805 Noise limits.

(a) Compliance with this subpart must be shown and demonstrated at the noise measuring points and under the test conditions prescribed under Part D of Appendix H of this part as follows:

(1) For helicopters for which application for issuance of a type certificate in the normal, transport, or restricted category is made on or after [the publication date of this notice].

(2) For helicopters for which application is made for the original issue of a standard airworthiness certificate or of a restricted category airworthiness certificate and that have not had any flight time before January 1, 1985 (regardless of the date of application).

(b) For helicopters covered by this section, it must be shown, in accordance with this subpart, that the noise levels of the helicopter are no greater than the applicable limits prescribed under § H36.305 of Appendix H of this part.

§ 1336.1 [Amended]

11. By amending § B36.1 at the end of the first sentence by deleting the words "under § 36.103" and substituting for them the words "under §§ 36.103 and 36.803."

12. By adding a new Appendix H to read as follows:

Appendix H—Noise Requirements for Helicopters Under Subpart H

Sec.

PART A—GENERAL

H36.1 Scope.

PART B—NOISE MEASUREMENT UNDER § 36.801

H36.101 Noise certification and measurement conditions.
H36.103 Measurement of aircraft noise received on the ground.
H36.105 Reporting and correcting measured data.
H36.107 Symbols and units.
H36.109 Atmospheric attenuation of sound.
H36.111 Detailed data correction procedures.

PART C—NOISE EVALUATION AND CALCULATION UNDER § 36.803

H36.201 Evaluation of measured noise values.
H36.203 Calculation of noise levels.

PART D—NOISE LIMITS UNDER § 36.805

H36.301 Noise measurement, evaluation, and calculation.
H36.303 Noise measuring points.
H36.305 Noise levels.
H36.307 Takeoff test conditions.
H36.309 Flyover test conditions.
H36.3011 Approach test conditions.

Appendix H—Noise Requirements for Helicopters Under Subpart H

Part A—General

§ H36.1 *Scope.* This appendix prescribes noise requirements for helicopters specified under § 36.1, including—

(a) The conditions under which helicopter noise certification tests under Subpart H must be conducted and the measurement procedures that must be used under § 36.801 to measure helicopter noise during each test;

(b) The procedures which must be used under § 36.803 to evaluate the measured noise data and to calculate the noise evaluation quantity designated as Effective Perceived Noise Level (EPNL); and

(c) The noise limits for which compliance must be shown under § 36.805 at the prescribed noise measuring points under the prescribed test conditions.

PART B—NOISE MEASUREMENT UNDER §36.801

§ H36.101 *Noise certification test and measurement conditions.*

(a)(1) Except as provided in paragraph (a)(2) of this section, the provisions of § A36.1 of Appendix A of Part 36 apply to helicopter noise certification tests conducted under this appendix. Section A36.1 includes requirements governing—

(i) Test site requirements;

(ii) Weather restrictions; and

(iii) Aircraft test procedures.

(2) Notwithstanding the provisions of § A36.1 of Appendix A to the contrary, the following apply to helicopter noise certification tests:

(i) The test site requirements of paragraph (b) of this section apply to helicopter noise tests in lieu of the provisions under paragraph (b) of § A36.1 of Appendix A.

(ii) The airport reported wind conditions under paragraph A36.1(c)(4) may not exceed 10 knots and the direction must be within 15 degrees of the reference flight track.

(iii) The takeoff and approach testing procedure requirements of paragraph A36.1(d) apply to the takeoff, and approach noise tests for helicopters, respectively. The requirements of paragraph A36.1(d)(5) also apply to fly over noise tests. Notwithstanding provisions to the contrary, the helicopter height and lateral position is relative to the centerline of the reference flight track (which passes through the noise measuring point) rather than the runway.

(iv) The approach angle under paragraph A36.1(d)(6) is $6.0° \pm 0.5°$.

(v) Each takeoff test must comply with the provisions under § H36.305 of this appendix.

(vi) Each fly-over test must comply with the provisions under § H36.307 of this appendix.

(vii) Each approach test must comply with the provisions under § H36.309 of this appendix.

(b) *Helicopter test site requirements.* (1) Tests to show compliance with established helicopter noise certification levels must consist of a series of takeoffs, flyovers, and

approaches during which measurements must be taken at noise measuring stations located at the measuring points prescribed in § H36.301 of this appendix.

(2) Each takeoff test, flyover test, and approach test includes simultaneous measurements at the flight-track noise measuring station vertically below the reference flight path and as two sideline noise measuring stations, one on each side of the reference flight track.

(3) If the height of the ground at either sideline noise measuring station differs from that of the flight-track noise measuring station by more than 20 feet, as prescribed under § H36.105 of this appendix, corrections must be made in accordance with §A36.5(d) of Appendix A.

(4) Each noise measuring station must be surrounded by relatively flat terrain having no excessive sound absoption characteristics, such as might be caused by thick, matted, or tall grass, shrubs, or wooded areas.

(5) The location of an airport tower, or other facility, used to obtain required measurements of meteorological conditions at the test site, as prescribed under § H36.109 of this appendix, must be approved in accordance with § A36.9(b)(1) of Appendix A.

(6) During the period when the takeoff, flyover, or approach noise/time record indicates the noise measurement is within 10 dB of PNLTM, no obstruction that significantly influences the sound field from the aircraft may exist—

(i) For any flight-track or sideline noise measuring station, within a conical space above the measuring position (the point on the ground vertically below the microphone), the cone being defined by an axis normal to the ground and by a half-angle 80° from this axis; and

(ii) For any sideline noise measuring station, above the line of sight between the microphone and the helicopter.

§ H36.103 *Measurement of helicopter noise received on the ground.* The measurement of helicopter noise received on the ground during helicopter noise certification tests under this appendix must be accomplished in accordance with the provisions of § A36.3 of Appendix A of Part 36. Section A36.3 includes requirements governing—

(a) Measurements which provide the data for determining the one-third octave band noise produced by aircraft during testing at specific noise measuring stations, as a function of time;

(b) Sound pressure level data for aircraft noise certification purposes which must be obtained with approved acoustical equipment and measurement practices.

(c) Equipment specifications and the calibration and measurement procedures which apply to each certification test series.

§ H36.105 *Reporting and correcting measured data.* (a) Except as provided in paragraph (b) of this section, the provisions of § A36.5 of Appendix A of Part 36 apply to helicopter noise certification tests under this appendix. Section A36.5 includes requirements governing—

(1) Recording and reporting measured data, including certain physical measurements, corrections, equipment, and estimates;

(2) Reference conditions, including meteorological and aircraft conditions; and

(3) Corrections of measured data and test conditions.

(b) Notwithstanding the provisions of § A36.5 of Appendix A to the contrary, the following apply to helicopter noise certification tests:

(1) The reference approach angle under paragraph A36.5(c)(2)(ii) is 6°.

(2) The provisions of paragraph A36.5(e)(1), regarding validity of test results within the 90 percent confidence limits and each EPNL value, apply separately to each takeoff test series, fly-over test series, and approach test series, rather than at the takeoff, approach, and sideline noise measuring stations.

(3) As prescribed under §§ H36.305(b), H36.307(b) and H36.309(b), the minimum acceptable sample size of the certification measurements described in paragraph A36.5(e)(2) applies to each noise measuring station (six measurements at each flight-track and sideline noise measuring station).

§ H36.107 *Symbols and units.* (a) Except as provided in paragraph (b) of this section, the symbols and units described in § A36.7 of Appendix A of Part 36 apply to this appendix.

(b) Notwithstanding the meanings to the contrary prescribed in § A36.7, for helicopter noise certification, the following symbols and units as used in this appendix have the following meanings—

Flight Profile Identification Positions

Position	Description
A	Location of the noise measuring point at the flight-track noise measuring station vertically below the reference (takeoff, flyover, or approach) flight path.
B(1), (2)	Locations of the sideline noise measuring stations (not on flight track).
C	Start of noise certification takeoff flight path.
C_c	Start of noise certification corrected takeoff flight path.
D	Start of noise certification flyover flight path.
D_r	Start of noise certification reference flyover flight path.
E	Start of noise certification approach flight path.
E_r	Start of noise certification reference approach flight path.
F	Position on takeoff flight path directly above noise measuring station A.
G	Position on flyover flight path directly above noise measuring station A.
H	Position on approach flight path directly above noise measuring station A.
I	End of noise type certification takeoff flight path.
I_c	End of noise type certification corrected takeoff flight path.
J	End of noise type certification flyover flight path.
J_r	End of noise type certification reference flyover flight path.
K	End of noise type certification approach flight path.
K_r	End of noise type certification reference approach flight path.
L	Position on measured takeoff flight path corresponding to PNLTM at station A.
L_c	Position on corrected takeoff flight path corresponding to PNLTM at station A.
M	Position on measured flyover flight path corresponding to PNLTM of station A.
M_r	Position on reference flyover flight path corresponding to PNLTM of station A.
N	Position on measured approach flight measured flight path corresponding to PNLTM at station A.

Flight Profile Identification Positions—Continued

Position	Description
N_r	Position on reference approach flight path corresponding to PNLTM at station A.
P_a	Start of noise type certification approach flight track.
P_f	Start of noise type certification flyover flight track.
P_t	Start of noise type certification takeoff flight track.
R_a	End of noise type certification approach flight track.
R_f	End of noise type certification flyover flight track.
R_t	End of noise type certification takeoff flight track.
S	Position on measured approach path nearest to station A.
S_r	Position on reference approach path nearest to station A.
T	Position on measured takeoff path nearest to station A.
T_r	Position on reference takeoff path nearest to station A.

Distance	Unit	Meaning
AF	Feet	*Takeoff Height.* The vertical distance between the helicopter and station A.
AG	Feet	*Flyover Height.* The vertical distance between the helicopter and station A.
AH	Feet	*Approach Height.* The vertical distance between the helicopter and station A.
AL	Feet	*Measured Takeoff Noise Path.* The distance from station A to the measured helicopter position L.
AL_c	Feet	*Corrected Takeoff Noise Path.* The distance from station A to the corrected helicopter position L_c.
AM	Feet	*Measured Flyover Noise Path.* The distance from station A to the measured helicopter position M.
AM_r	Feet	*Reference Flyover Noise Path.* The distance from station A to helicopter position M_r on the reference flyover flight path.
AN	Feet	*Measured Apoproach Noise Path.* The distance from station A to the measured helicopter position N.
AN_r	Feet	*Reference Approach Noise Path.* The distance from station A to the reference helicopter position N_r.
AS	Feet	*Measured Approach Minimum Distance.* The distance from station A to the position S on the measured approach flight path.
AS_r	Feet	*Reference Approach Minimal Distance.* The distance from station A to the position S_r on the reference approach flight path.
AT	Feet	*Measured Takeoff Minimum Distance.* The distance from station A to the position T on the measured takeoff flight path.
AT_c	Feet	*Corrected Takeoff Minimum Distance.* The distance from Station A to the position T_c on the corrected takeoff flight path.
CI	Feet	*Takeoff Flight Path Distance.* The distance from position C at which the helicopter establishes a constant climb angle on the takeoff flight path passing over Station A and continuing to position I at which the position of the helicopter need no longer be recorded.
DJ	Feet	*Flyover Flight Path Distance.* The distance from position D at which the rotorcraft is established on the flyover flight path passing over Station A and continuing to position J at which the position of the helicopter need no longer be recorded.

Distance	Unit	Meaning
EK	Feet	*Approach Flight Path Distance.* The distance from position E at which the helicopter establishes a constant angle on the approach flight path passing over Station A and continuing to position K at which the position of the helicopter need no longer be recorded.

§ H36.109 *Atmospheric attenuation of sound.* The measured values of the one-third octave band spectra provided during helicopter nose certification tests under this appendix must conform, or be corrected, to the prescribed reference-day conditions in accordance with the provisions of § A36.9 of Appendix A of Part 36. Section A36.9 includes requirements governing—

(a) Correction of measured noise values to conform to reference-day conditions;

(b) Meteorological conditions at the noise measuring stations;

(c) Standards for sound attenuation rates; and

(d) Correction of noise values to account for sound attenuation rates.

§ H36.111 *Detailed correction procedures.* (a) *General.* If the test conditions do not conform to those prescribed as noise certification reference conditions under § H36.105 of this appendix, the correction procedures and requirements prescribed under § A36.11(a) of Appendix A of Part 36 apply. Section A36.11(a) includes requirements governing the correction procedures and standards for positive and negative values resulting from any differences between reference and test conditions.

(b) *Takeoff profile.* (1) Figure H1 illustrates a typical takeoff profile.

(i) The helicopter approaches position C in level flight at 65.6 feet above ground level at the flight-track noise measuring station and at either $V_y \pm 3$ knots or the maximum speed of the curve contiguous to the ordinate of the limiting height-speed envelope plus 3.0 knots (± 3.0 knots), whichever speed is greater. At position C, the helicopter initiates a constant climb at an angle β, crossing over station A at position F and continuing at the constant climb angle to the end of the noise type certification takeoff flight path represented by position I. The position of the helicopter should be recorded for a sufficient distance (CI) to ensure recording of the entire interval during which the measured helicopter noise level is within 10 dB of PNLTM, as required. Station A is the flight-track nosie measuring station from which the distance to position P_t is prescribed as 1650 feet. Positions $B_{(1)}$ $B_{(2)}$ are the respective sideline noise measuring stations located on each side of the flight track 492 feet from, and on a line perpendicular to, the flight-track at the noise measuring station (station A).

(ii) The takeoff parameters are functions of the helicopter performance and weight and the atmospheric conditions of temperature, pressure, and wind velocity and direction.

(2) Figure H2 illustrates comparative takeoff profiles when test conditions do not conform to prescribed reference conditions. The profile parameter differences may be derived from the manufacturer's data (approved by the FAA) and may be used to define the flight profile corrected to the reference conditions. The relationships between the measured and corrected takeoff flight profiles can then be used to determine the corrections, which, if positive, must be applied to the EPNL calculated from the measured data.

(3) Figure H3 illustrates the measured and corrected takeoff flight paths including the significant geometrical relationships influencing sound propagation. Position L represents the helicopter location on the measured takeoff flight path for which PNLTM is observed at station A, and L_c is the corresponding position on the corrected flight path. The measured and corrected sound propagation paths are AL and AL_c, respectively, which form angle ϕ with their flight paths. Position T represents the point on the measured takeoff flight path nearest station A, and T_c is the corresponding position on the corrected flight path. The minimum distance to the measured and corrected flight paths are indicated by the lines AT and AT_c, respectively, which are normal to their flight paths.

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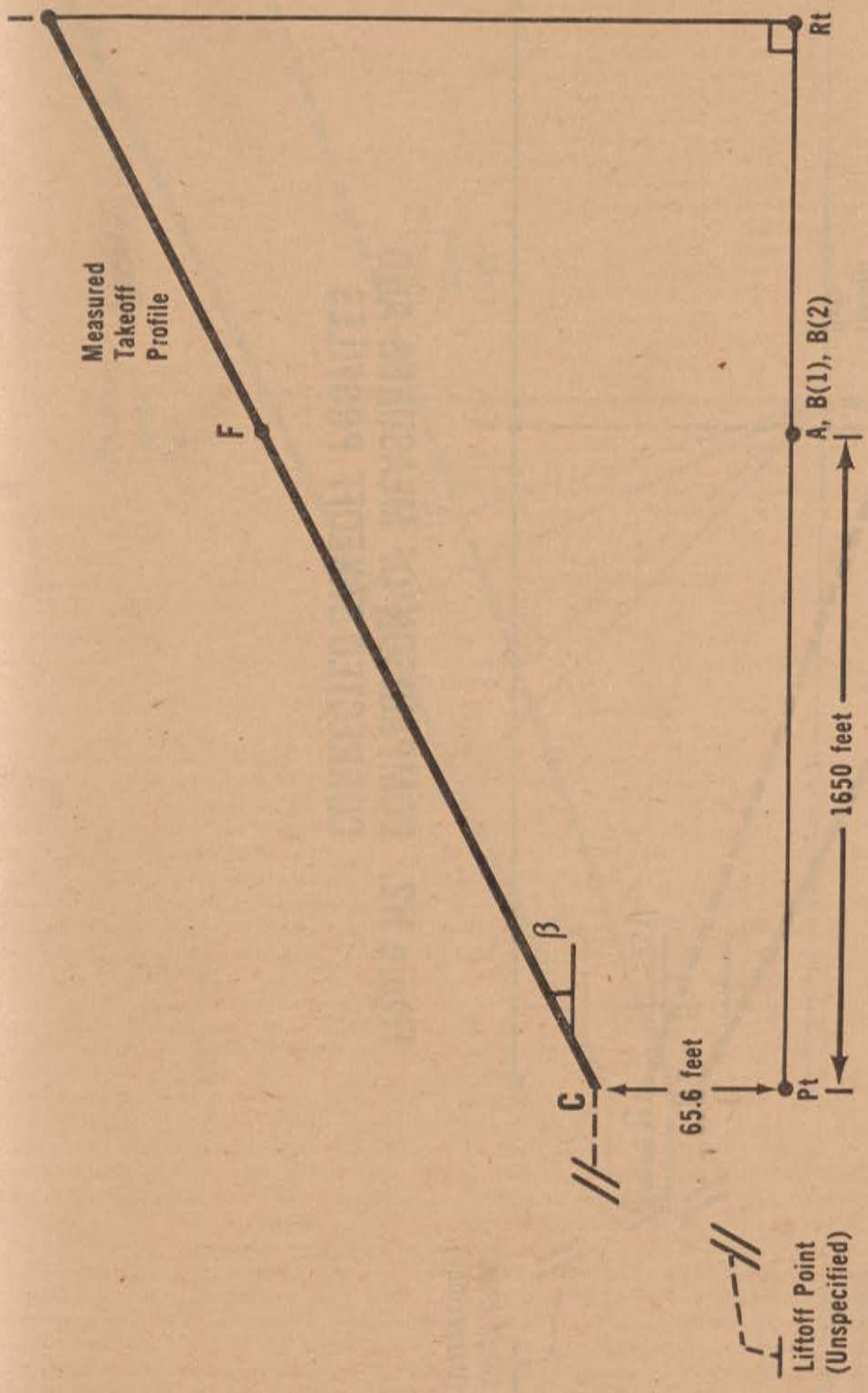

Figure H1. MEASURED TAKEOFF PROFILE

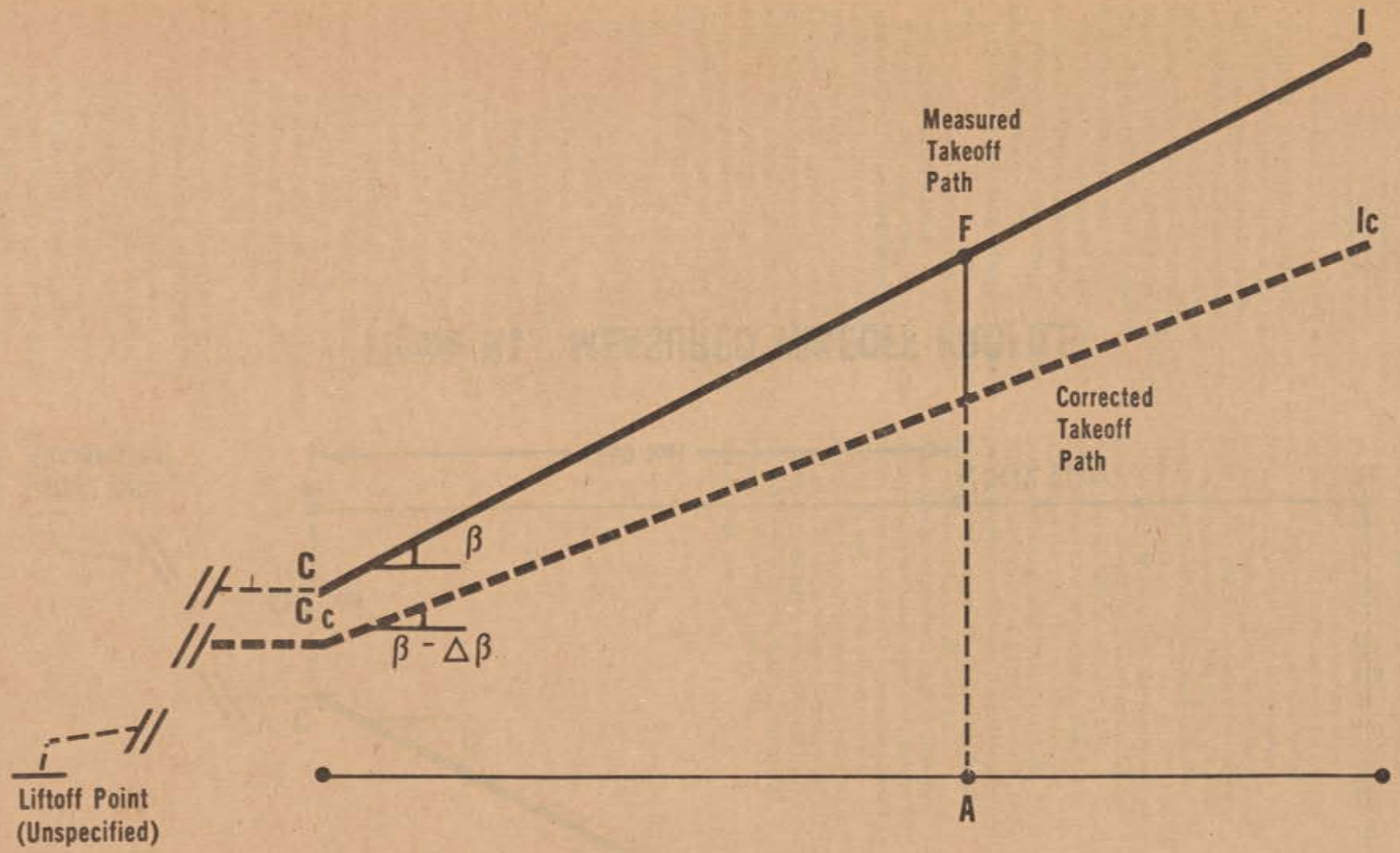

Figure H2. COMPARISON OF MEASURED AND CORRECTED TAKEOFF PROFILES

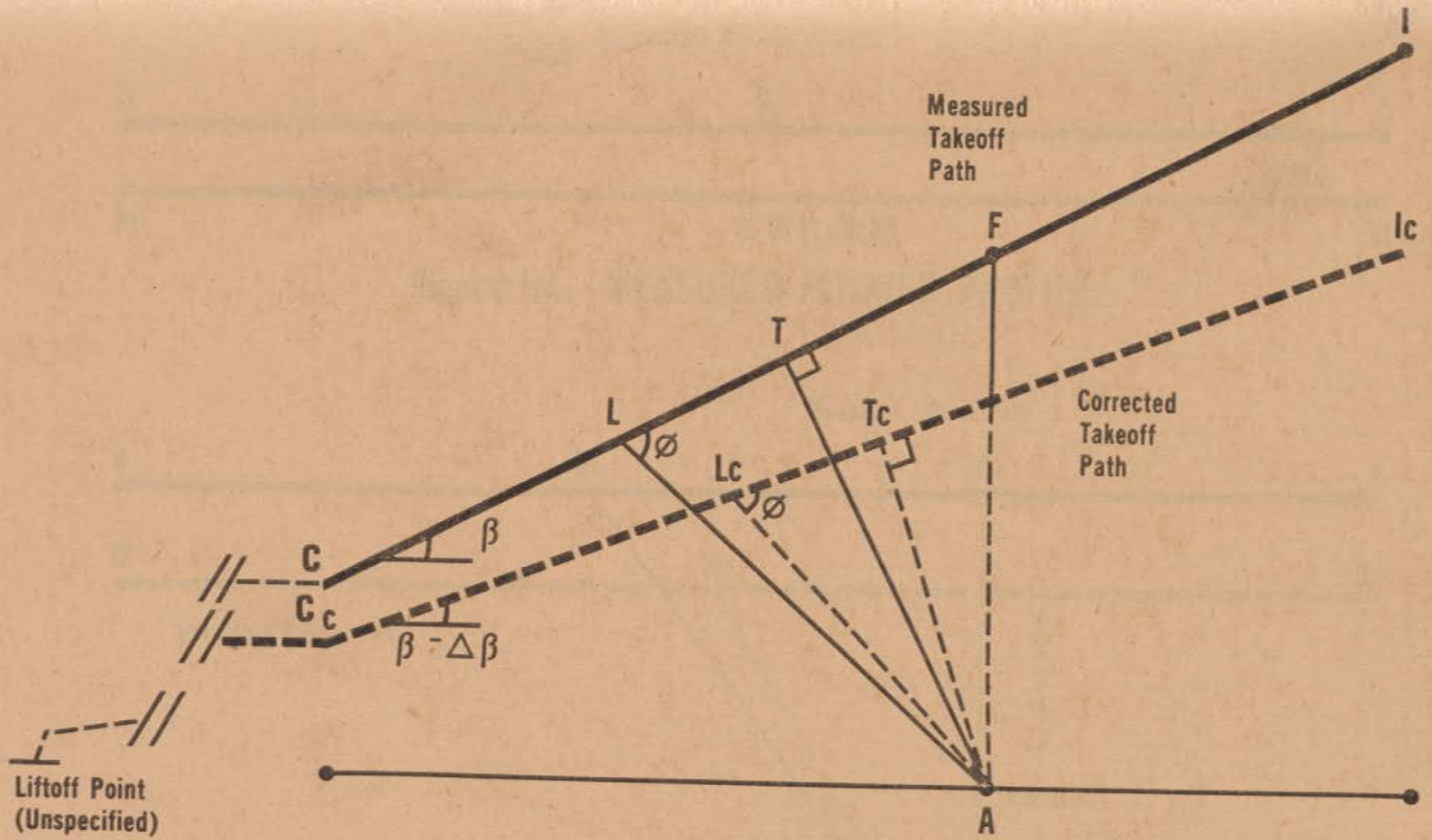

Figure H3. TAKEOFF PROFILE CHARACTERISTICS INFLUENCING SOUND PROPAGATION

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(b) *Flyover profiles.* (1) The beginning of the noise type certification level flyover profile is represented by helicopter position D whose vertical projection on the flight track is position P_f (See Figure H4). The helicopter approaches position D in level flight 492 feet above ground level at station A. Speed is stabilized at either 90 percent V_H (maximum speed in level flight with maximum continuous power) or 90 percent V_{NE} (never exceed speed), whichever speed is lesser. Rotor speed is stabilized at maximum (top of the green arc) normal operating RPM. The helicopter crosses station A in level flight and proceeds to position J whose vertical projection on the flight track is position R_f. If the test requirements are otherwise met, flight direction may be reversed for each subsequent flyover, to obtain three test runs in each direction.

(2) Figure H5 illustrates comparative flyover profiles when test conditions do not conform to prescribed reference conditions. The position of the helicopter should be recorded for a sufficient distance (DJ) to endure recording of the entire interval during which the measured helicopter noise level is within 10 dB of PNLTM, as required. The flyover profile is defined by the height AG which is a function of the operating conditions controlled by the pilot. Position M represents the helicopter location on the measured flyover flight path for which PNLTM is observed at station A, and M_r is the corresponding position on the reference flight path. If the measured flyover profile conditions are different from the corresponding reference flyover conditions (492 feet and within 5° from the zenith at station A), corrections, if positive, must be applied to the EPNL calculated from the measured data.

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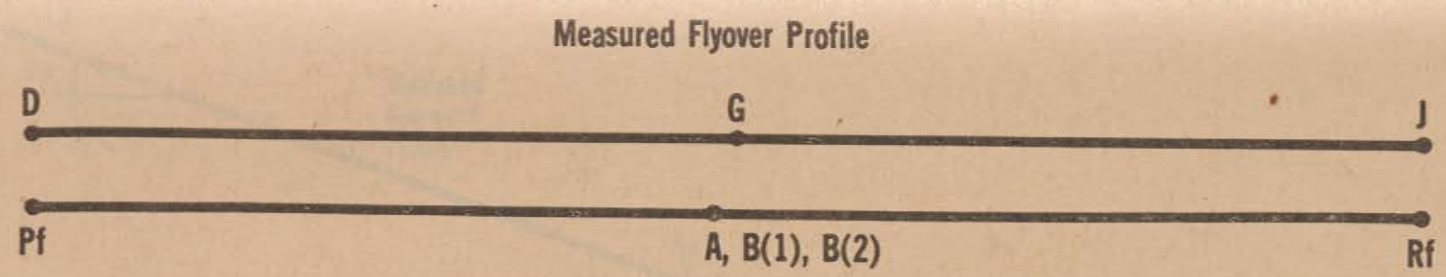

Figure H4. MEASURED FLYOVER PROFILE

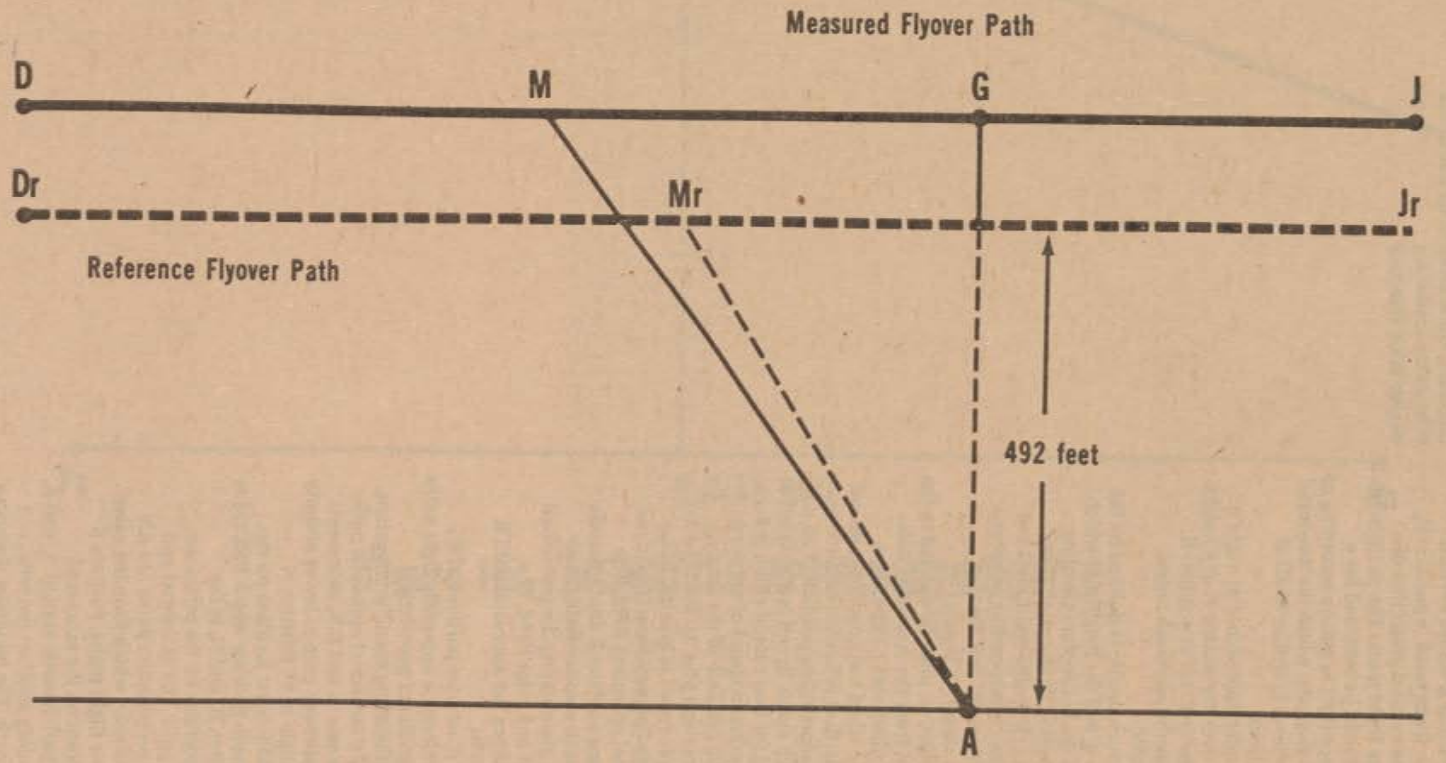

Figure H5. COMPARISON OF MEASURED AND CORRECTED FLYOVER PROFILES

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(c) *Approach profiles.* (1) Figure H6 illustrates a typical approach profile.

(i) The beginning of the noise type certification approach profile is represented by helicopter position E whose vertical projection on the flight track is position P_a. Position R_a is the vertical projection of position K on the flight track. The position of the helicopter should be recorded for a sufficient distance (EK) to ensure recording of the entire interval during which the measured helicopter noise level is within 10 dB of PNLTM, as required.

(ii) The helicopter approaches at angle η, passes directly over the station A at a height of AH, begins the level off at position K, which terminates the approach noise certification profile.

(iii) The approach profile is defined by the approach angle η, and the height AH which are functions of the helicopter operating conditions controlled by the pilot. If the measured approach profile conditions are different from the corresponding reference approach conditions (6° and 394 feet, respectively, as shown in Figure H7), corrections, if positive, must be applied to the EPNL calculated from the measured data.

(2) Figure H7 illustrates comparative approach profile when test conditions do not conform to prescribed reference conditions. The helicopter approaches position H on a 6° (±0.5°) approach slope. Speed is stabilized at either V_y (speed for best rate of climb ±3 knots, or the maximum speed of the curve contiguous to the ordinate of the limiting height-speed envelope plus 3.0 knots (±3.0 knots), whichever speed is greater. Rotor speed is stabilized at maximum (top of the green arc) normal operating RPM. The helicopter crosses position E and proceeds along the approach slope crossing over station A while maintaining the prescribed stabilized speed and rotor RPM. The helicopter continues the approach until it reaches position K.

(3) Figure H8 illustrates portions of the measured and reference approach flight paths including the significant geometrical relationships influencing sound propogation. EK represents the measured approach path with approach angle η, and E_rK_r represents the reference approach path at lower altitude and approach angle of 6°. Position N represents the helicopter location on the measured approach path for which PNLTM is observed at station A, and N_r is the corresponding position on the reference approach flight path. The measured and corrected noise propagation paths are AN and AN_r, respectively, which form the same angle λ with their flight paths. Position S represents the point on the measured approach flight path nearest station A, and S_r is the corresponding point on the reference approach flight path. The minimum distances to the measured and reference flight paths are indicated by the lines AS and AS_r, respectively, which are normal to their flight paths.

Note.—The reference approach fight path is defined by angle η (6°) and AH (394 feet). Consequently, AS_r can also be defined (AS_r=393 feet, to the nearest foot) and is, therefore, considered to be one of the reference parameters.

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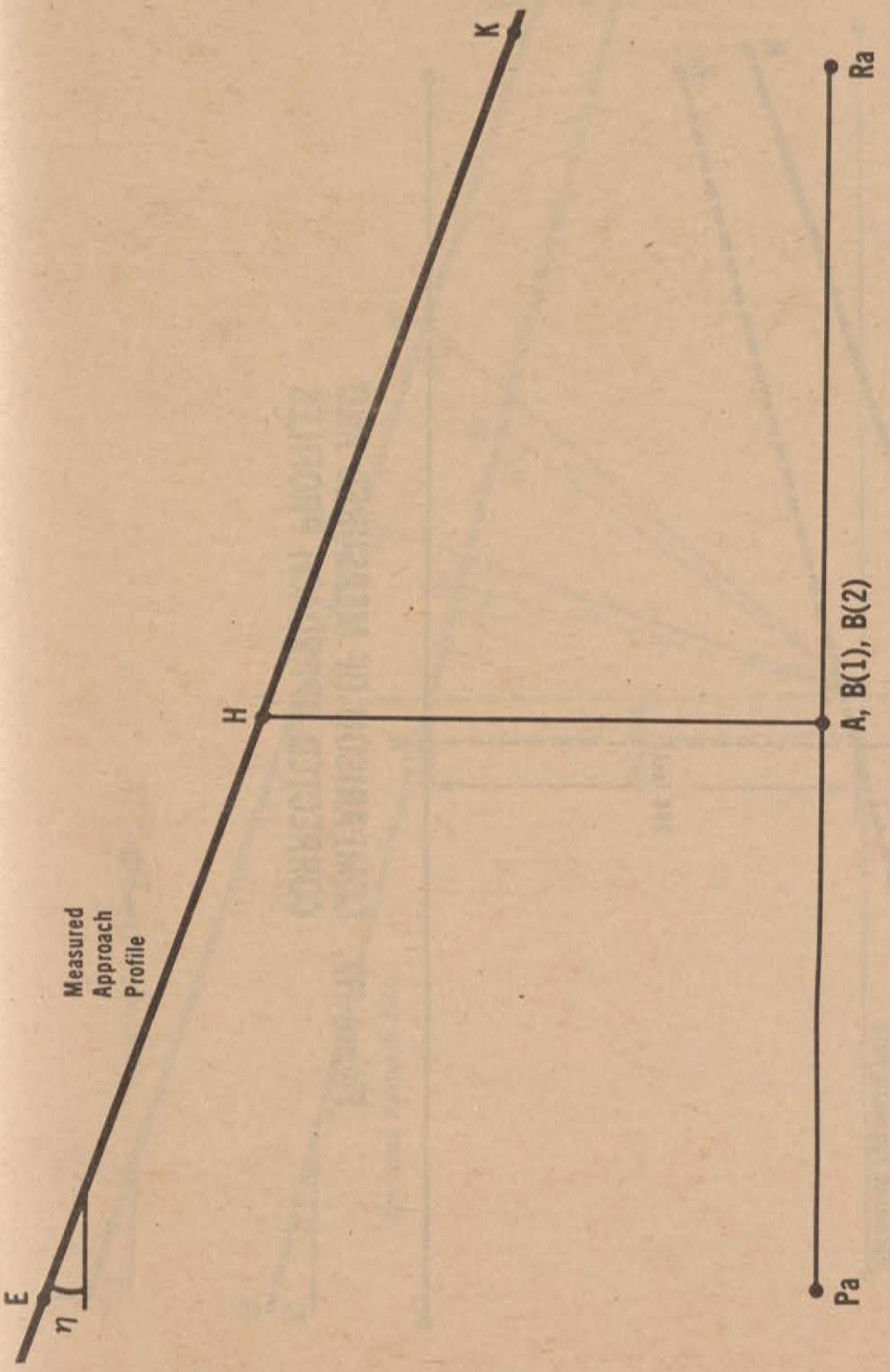

Figure H6. MEASURED APPROACH PROFILE

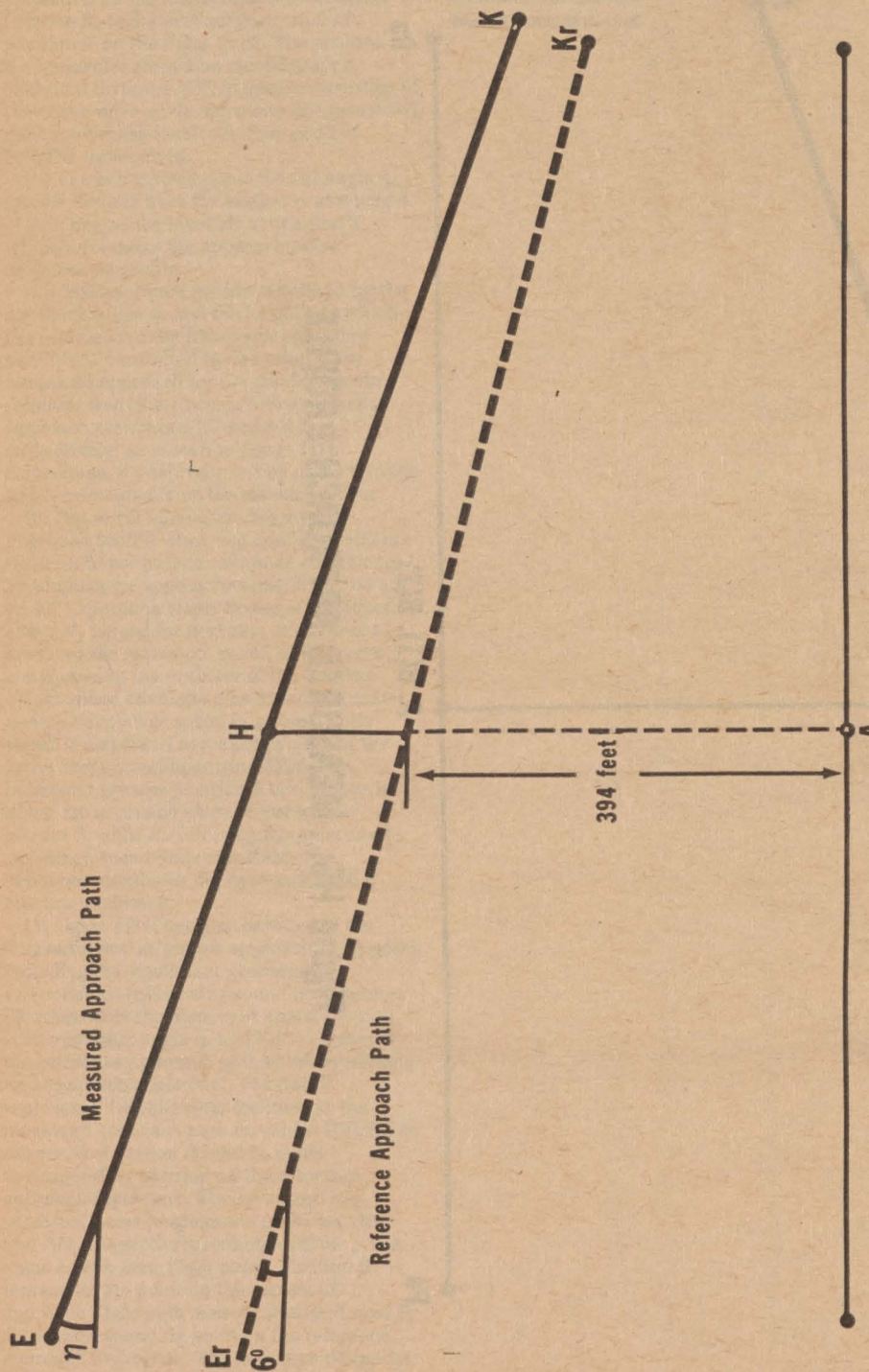

Figure H7. COMPARISON OF MEASURED AND CORRECTED APPROACH PROFILES

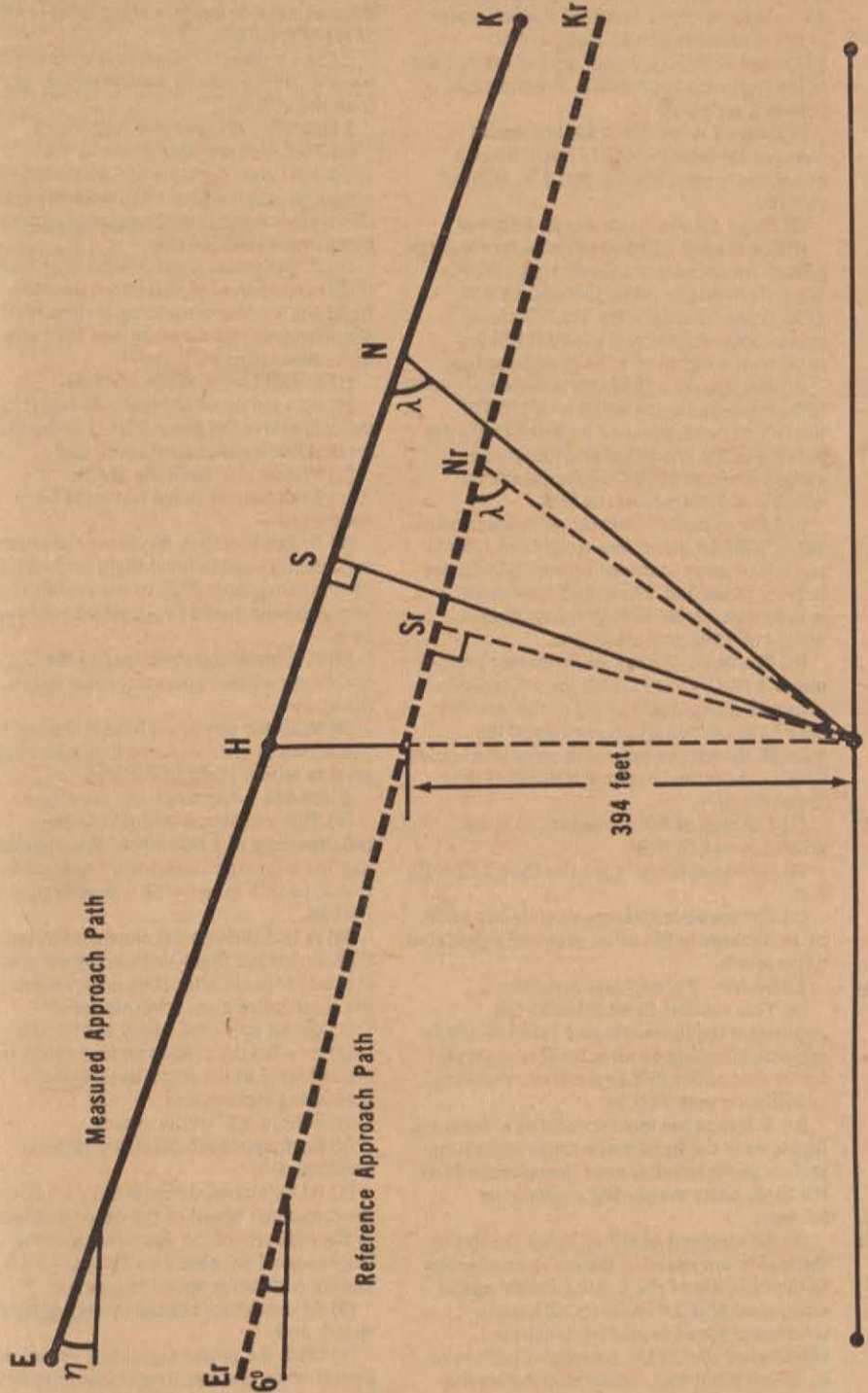

Figure H8. APPROACH PROFILE CHARACTERISTICS INFLUENCING SOUND PROPAGATION

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PART C—HELICOPTER NOISE EVALUATION AND CALCULATION UNDER § 36.803

§ H36.201 *Evaluation of measured noise values.*

(a) Except as provided in paragraph (b) of this section, the procedures in Appendix B of Part 36 must be used for helicopter noise certification tests under this appendix to determine the noise evaluation quantity designated as Effective Perceived Noise Level, EPNL, in units of perceived noise decibels, EPNdB, for noise level values under § 36.803 of Part 36. Appendix B includes requirements governing determination of noise values, including calculations of—

(1) Instantaneous perceived noise levels;

(2) Corrections for spectral irregularities;

(3) Tone corrections;

(4) Duration corrections;

(5) Effective perceived noise levels; and

(6) Mathematical formulation of noy tables.

(b) Notwithstanding the provisions of § B36.5(m) to the contrary, for helicopter noise certification, tones resulting from ground-plane deflections may not be excluded from the calculation of corrections for spectral irregularities. Each tone correction value must be included in the computation for spectral irregularities. The SPL values must be included in the noy calculation prescribed in § B36.13 of Appendix B of Part 36. [For the alternative to this proposal, see the preamble discussion under § VII G. "Noise Measurements and Evaluation."]

§ H36.203 *Calculation of noise levels.*

(a) To demonstrate compliance with the noise level provisions of § H36.305, three separate noise levels, one for each noise test series, must be calculated from the evaluated EPNdB values in accordance with paragraph (b) of this section.

(b) The calculated noise level for each noise test series (takeoff, flyover, and approach) must be the numerical average of at least six separate EPNdB values of the noise levels measured simultaneously at each of the flight-track and two sideline noise measuring stations. The 90 percent confidence limit for all valid test runs under § H36.105(b)(2) of this appendix applies separately to the EPNdB values for each noise test series.

PART D—NOISE LIMITS UNDER § 36.807

§ H36.301 *Noise measurement, evaluation, and calculation.* Compliance with this part of this appendix must be shown with noise levels measured, evaluated, and calculated as prescribed under Parts B and C of this appendix.

§ H36.303 *Noise measuring points.* Compliance with the noise level standards under § H36.305 must be shown for each takeoff, flyover, and approach test series at noise measuring stations located at the following points:

(a) *Flight-track noise measuring point*—On the centerline of the flight track projected vertically below the reference flight path; and

(b) *Sideline noise measuring points*—On each side of the flight-track noise measuring point and located 492 feet from, and on a line perpendicular to, the centerline of the reference flight track.

§ H36.305 *Noise levels.*

(a) *Limits.* For compliance with this appendix, it must be shown by flight test that the calculated noise levels of the helicopter, at the measuring points described in § H36.301 of this appendix, do not exceed the following (with appropriate interpolation between weights):

(1) *Stage 1* noise limits for acoustical changes for helicopters are those Stage 1 noise levels prescribed under § 36.11(b) of Part 36.

(2) *Stage 2* noise limits are as follows:

(i) *For takeoff calculated noise levels*—106 EPNdB for maximum takeoff weights of 176,370 pounds or more, reduced by 3.01 EPNdB per halving of the 176,370-pound maximum weight down to 86 EPNdB for maximum weights of 1,764 pounds or less.

(ii) *For flyover calculated noise levels*—105 EPNdB for maximum weights of 176,370 pounds or more, reduced by 3.01 EPNdB per halving of the 176,370-pound maximum weight down to 85 EPNdB for maximum weights of 1,764 pounds or less.

(iii) *For approach calculated noise levels*—107 EPNdB for maximum weights of 176,370 pounds or more, reduced by 3.01 EPNdB per halving of the 176, 370-pound maximum weight down to 87 EPNdB for maximum weight of 1,764 pounds or less.

(b) *Tradeoffs.* Except to the extent limited under § 36.11(b) of Part 36, the noise limits prescribed in paragraph (a) of this section may be exceeded by one or two of the takeoff, flyover, or approach calculated noise levels determined under § H36.203 of this appendix, if—

(1) The sum of the exceedances is not greater than 3 EPNdB;

(2) No exceedance is greater than 2 EPNdB; and

(3) The exceedances are completely offset by reductions in the other required calculated noise levels.

§ H36.307 *Takeoff test conditions.*

(a) This section, in addition to the applicable requirements of § H36.101 of this appendix, applies to all takeoff noise tests conducted under this appendix in showing compliance with Part 36.

(b) A test series must consist of at least six flights over the flight-track noise measuring station (with simultaneous measurements at the three noise measuring stations) as follows:

(1) An airspeed of either $V_y \pm 3$ (knots) or the maximum speed of the curve contiguous to the ordinate of the limiting height-speed enveloped plus 3.0 knots (±3.0 knots), whichever speed is greater, must be established during the horizontal portion of each test flight and maintained during the remainder of the test flight.

(2) The horizational portion of each test flight must be conducted at an altitude of 65.6 feet (20 meters) above the ground level at the flight-track noise measuring station.

(3) Upon reaching a point 1,650 feet (500 meters) from the noise measuring station, the helicopter must climb constantly at takeoff power (as demonstrated under the airworthiness regulations constituting the type certification basis of the aircraft).

(4) The rotor speed must be stabilized at the maximum normal operating speed (RPM) during the entire period of the test flight when the measured helicopter noise level is within 10 dB of PNLTM.

(5) The helicopter must pass over the flight-track noise measuring station within ±5° from the zenith.

§ H36.309 *Flyover test conditions.*

(a) This section, in addition to the applicable requirements of § H36.101 of this appendix, applies to all flyover noise tests conducted under this appendix in showing compliance with Part 36.

(b) A test series must consist of at least six flights (three in each direction) over the flight-track noise measuring station (with simultaneous measurements at the three noise measuring stations)—

(1) In flight level to the surface;

(2) At a height of 492 feet±30 feet (150±9 meters) above the ground level at the flight-track noise measuring station; and

(3) Within ±5° from the zenith.

(c) Each flyover noise test must be conducted—

(1) At not less than 90 percent of either the maximum speed in level flight with maximum continuous power (V_H), or the certificated never-exceed speed (V_{NE}), whichever speed is less;

(2) A rotor speed stabilized at the maximum normal operating rotor speed (rpm); and

(3) With the power stabilized during the period when the measured helicopter noise level is within 10 dB of PNLTM.

§ H36.311 *Approach test conditions.*

(a) This section, in addition to the requirements of § H36.101 of this appendix, applies to all approach tests conducted under this appendix in showing compliance with Part 36.

(b) A test series must consist of at least six flights over the flight-track noise measuring station (with simultaneous measurements at the three noise measuring stations)—

(1) On an approach slope of 6°±0.5°;

(2) At a height of 394±30 feet above the ground level at the flight-track noise measuring station; and

(3) Within ±5° of the zenith.

(c) Each approach noise test must be conducted—

(1) At an airspeed of either $V_y \pm 3$ (knots) or the maximum speed of the curve contiguous to the ordinate of the operating limiting height-speed envelop plus 3 knots (±3.0 knots), whichever speed is greater;

(3) At maximum normal operating rotor speed; and

(4) With the power stabilized during the period when the measured helicopter noise level is within 10 dB of PNLTM.

(Secs. 313(a), 601(a), 603, and 611(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1423, and 1431(b)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*); Executive Order 11514, March 5, 1970, and 14 CFR 11.45).

Note.—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). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact:".

Issued in Washington, D.C., on July 9, 1979.

J. E. Densmore,

Acting Director of Environment and Energy.

[FR Doc. 79-21807 Filed 7-18-79; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
July 19, 1979

Part III

Environmental Protection Agency

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Certification Test Results for 1979 Model Year

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1274-5]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Certification Test Results for 1979 Model Year

Section 206(e) of the Clean Air Act, as amended August 1977 (42 U.S.C. 7525), directs the Administrator of the Environmental Protection Agency to announce in the **Federal Register** the results of certification tests conducted on new motor vehicles and new motor vehicle engines to determine conformity with Federal standards for the control of air pollution caused by motor vehicles.

Federal Emission Standards

The regulations that apply to the control of emissions from 1979 model year vehicles, appearing at 40 CFR Part 86, set maximum allowable emission levels for new gasoline-fueled and diesel heavy-duty engines (for use in on-highway trucks and buses), gasoline-fueled motorcyles, gasoline-fueled and diesel light-duty vehicles (passenger cars), and gasoline-fueled and diesel light-duty trucks.

Gasoline-fueled heavy-duty engines are required to meet one of the following three standards, which are selected at the manufacturer's option: (1) 1.5 grams per brake horsepower hour (g/bhp-hr) for hydrocarbons, 25 g/bhp-hr for carbon monoxide, and 10 g/bhp-hr for hydrocarbons plus oxides of nitrogen measured according to the Subpart D of 40 CFR Part 86 test procedure; (2) 1.0 g/bhp-hr for hydrocarbons, 25 g/bhp-hr for carbon monoxide, and 9.5 g/bhp-hr for hydrocarbons plus oxides of nitrogen measured according to the Subpart H test procedure; or (3) 25 g/bhp-hr for carbon monoxide, and 5 g/bhp-hr for hydrocarbons plus oxides of nitrogen measured according to either the Subpart D or H test procedure. The standards for gasoline-fueled heavy-duty engines prohibit all crankcase emissions.

Diesel heavy-duty engines are required to meet one of the following two standards, to be selected at the manufacturer's option: (1) 1.5 g/bhp-hr for hydrocarbons, 25 g/bhp-hr for carbon monoxide, and 10 g/bhp-hr for hydrocarbons plus oxides of nitrogen measured according to either Subpart D or J test procedure; or (2) 5 g/bhp-hr of hydrocarbons plus oxides of nitrogen, and 25 g/bhp-hr for carbon monoxide measured according to either Subpart D or J test procedure. In addition, diesel heavy-duty engines must meet Federal smoke emission standards of 20 percent opacity during the engine acceleration mode, 15 percent opacity during the engine lugging mode, and 50 percent opacity during the peaks in either the acceleration or lugging mode.

Motorcyles with engine displacements of 50–169 cc (Class I) are required to meet a hydrocarbon emission standard of 5 grams per kilometer (5 g/km or 8 g/mi); those with engine displacements of 170–749 cc (Class II) must meet a standard which falls between 5 and 14 g/km (8 and 22.5 g/mi), the exact value level varying directly with engine displacement; those with engine displacements above 749 cc (Class III) are required to meet a standard of 14 g/km (22.5 g/mi). The carbon monoxide standard is 17 g/km (27.4 g/mi) for all motorcycles. There is no motorcyle standard for oxides of nitrogen.

Federal exhaust emission standards allow 1979 model year gasoline fueled and diesel light-duty vehicles to emit no more than 1.5 grams per mile (g/mi) of hydrocarbons, 15 g/mi of carbon monoxide, and 2.0 g/mi of oxides of nitrogen from the tailpipe. Light-duty trucks (less than 8,500 pounds gross vehicle weight) are allowed to emit no more than 1.7 g/mi of hydrocarbons, 18 g/mi of carbon monoxide, and 2.3 g/mi of oxides of nitrogen. The standards for gasoline-fueled vehicles prohibit all crankcase emissions and limit the loss of gasoline by evaporation from the carburetor and fuel tank to no more than 6.0 grams per test.

Prior to the enactment of the August 1977 Clean Air Act Amendments, light-duty vehicles and light-duty trucks intended for sale at altitudes above 4,000 feet were required to demonstrate compliance with emission standards when tested at high altitude. Because the Clean Air Act Amendment now permit all certified light-duty vehicles to be sold at either low or high altitudes, it is not necessary to distinguish car lines certified for sale above 4,000 feet. However, the attached light-duty vehicle and truck report designates those vehicles tested at altitudes above 4,000 feet with a plus sign (+) preceding the model name.

The State of California exhaust emission standards (established under a waiver granted under Section 209 of the Clean Air Act) allow 1979 model year gasoline-fueled light-duty vehicles to emit no more than 0.41 g/mi of hydrocarbons, 9 g/mi of carbon monoxide, and 1.5 g/mi of oxides of nitrogen. Gasoline fueled light-duty trucks are separated into three classes, each having different standards. Each class is determined by a combination of equivalent inertia weight (as determined under Section 86.129–79) and vehicle type. The three classes and applicable standards are: (1) light-duty trucks 0–3999 pounds—0.41 for hydrocarbons, 9.0 for carbon monoxide, and 1.5 for oxides of nitrogen; (2) light-duty trucks 0–3999 pounds equipped with four-wheel drive transmission—0.41 for hydrocarbons, 9.0 for carbon monoxide, and 2.0 for oxides of nitrogen; (3) light-duty trucks 4000–5999 pounds—0.50 for hydrocarbons, 9.0 for carbon monoxide, and 2.0 for oxides of nitrogen. The EPA does not require that a vehicle meet the stricter California standards in order to obtain Federal certification. The test vehicles and car lines that are designed to meet the California standards are identified in the light-duty listing below by a "C" preceding the model name.

Federal Certification Procedures

Under the provisions of the Clean Air Act, it is unlawful to offer for sale new motor vehicles or engines which are not in conformity with Federal regulations. Prior to the beginning of each model year, light-duty vehicle and truck, heavy-duty engine, and motorcycle manufacturers apply to the Administrator of the Environmental Protection Agency for a certification of conformity for each model they wish to produce for that model year. The Federal regulations prescribe a number of requirements which a manufacturer must meet before the Administrator will grant a certificate of conformity.

Prior to production, light-duty vehicle manufacturers are required to provide the Administrator with extensive test data demonstrating the effectiveness and durability of the emission control systems over the useful life of the vehicles (50,000 miles). The data are collected from prototype test vehicles that are selected and tested in accordance with EPA regulations. In addition to the submission of test data on prototype test vehicles, the manufacturers are required to make the test vehicles available to the Motor Vehicle Emission Laboratory at Ann Arbor, Michigan. At this facility, test vehicles may be retested to assure conformity with the regulations.

The process of selecting vehicles for testing reflects EPA's prior classification of a manufacturer's product line into "engine families"—groups of engines expected to have similar emission characteristics throughout their useful life—and "evaporative emission families"—groups of vehicles which are expected to have similar evaporative emission characteristics throughout their

useful life. Two fleets of test vehicles are chosen to represent each engine family.

One fleet of test vehicles, the emission-data fleet, is tested after the accumulation of 4,000 miles. The purpose of the emission-data fleet is to determine the stabilized exhaust emission levels of new motor vehicles. The other fleet, known as the durability-data fleet, is made up of prototype vehicles which are driven for 50,000 miles and tested every 5,000 miles. The durability-data fleet is tested in order to establish "deterioration factors" which are adjustments that account for the decrease in an exhaust emission control system's efficiency over its expected useful life. (Evaporative emission families are also represented by emission-data fleets, but not by durability-data fleets; evaporative emission deterioration factors may instead be derived from a variety of procedures, including bench-testing or multi-vehicle comparison, as well as testing a single vehicle which has run for 50,000 miles.)

Once test data results are obtained from the emission-data vehicles, the emission levels are adjusted by the deterioration factors in accordance with the procedures specified in the regulations. This is done to determine whether the emission-data vehicle would be capable of complying with emission standards over the expected useful life of the vehicle. If all the motor vehicles in an engine family/evaporative emission family combination tested are found to conform with the regulations, the manufacturer is granted a certificate of conformity.

The Federal emission test procedure for light-duty vehicles and light-duty trucks is designed to simulate two average trips of 7.5 miles in an urban area. The vehicle is operated on a chassis dynamometer through a specified driving schedule. The first trip begins with a cold engine startup, and the second trip begins with a hot engine startup. There is a 10-minute interval between trips. The cold operation trip is weighted 43 percent and the hot operation trip 57 percent to reflect the fact that two of the 4.6 trips made by the average vehicle each day are begun from a cold start. Throughout these tests all emissions through the exhaust pipe are collected and the levels of hydrocarbons, carbon monoxide, and oxides of nitrogen are measured. A vehicle tested for evaporative emissions is placed in a sealed chamber for one hour prior to the cold engine startup and one hour immediately after the hot engine operation trip. During these periods hydrocarbon emissions attributable to gasoline evaporation are collected and measured.

The motorcycle testing procedure resembles the light-duty vehicle method in that the emissions test is designed to simulate a typical urban trip involving both a hot and cold engine startup, but a single certification vehicle is used to provide both durability and emission data. Each motorcycle is tested at least four times to obtain data for calculation of a deterioration factor: Once at a designated minimum distance (2,500 or 3,500 kilometers, depending on displacement class), once before and once following periodic maintenance, and once at the total test distance (6,000, 9,000, or 15,000 kilometers, depending on displacement class) estimated to represent half the useful life of the vehicle class. The same certification vehicle is then tested again to generate the emission-data results to which the deterioration factor is applied to obtain certification levels. Motorcycles are not tested for evaporative emissions.

The heavy-duty engine testing procedure, like the light duty vehicle procedure, groups test engines into durability-data and emission-data fleets. Instead of simulating a driving cycle, however, the heavy-duty engine gaseous emission tests measure the hydrocarbon, carbon monoxide, and nitric oxide emitted during various engine loadings at constant speeds (two speeds for gasoline-fueled engines and three speeds for diesel engines). In addition, the diesel heavy-duty engine smoke test measures the opacity of the exhaust during idle and two transient modes. Emission-data heavy-duty engines accumulate 125 hours of service on an engine dynamometer before the emission test, and durability-data gasoline-fueled heavy-duty engines and durability-data diesel heavy-duty engines accumulate 1,500 and 1,000 hours of service, respectively. Heavy-duty engines are not tested for evaporative emissions.

Federal Certification Data

Listed below are the emission levels of each light-duty vehicle and truck, motocycle, and heavy-duty engine which was tested as an emission-data vehicle or engine, as adjusted by the deterioration factors discussed above.

The vehicles and engines listed represent all of the models and configuration certified as of June 22, 1979.

The emission data listed below were obtained from the original emission-data vehicles and engines. In some cases, manufacturers have submitted requests to perform "running changes" on already certified configurations. EPA has authorized manufacturers to make such running changes if a review of the test data and technological information has shown that the proposed modifications do not cause the vehicles or engines to exceed the standards. The data listed below do not indicate the effect of running changes, except where a running change has added a new engine or car line to a previously certified family.

Fuel economy information is not included in this publication. Fuel economy information of 1979 cars and light trucks is available by writing for the EPA/Department of Energy *1979 Gas Mileage Guide* from: Fuel Economy, Pueblo, Colorado 81009. The *1979 Gas Mileage Guide* is also available at new car dealer showrooms.

The various systems that Comprise the test vehicles' exhaust emission control systems are listed individually. The following abbreviations will be used in the subsequent sections of this report:

Exhaust emission control systems:

AIR = air injection (heavy-duty engines only)
CLS = close loop
EGR = exhaust recycle
EM = engine modifications
FI = fuel injection
NON = none
OTR = other
OXD = oxidation catalyst
PLS = pulsating air system
PMP = air pump
RED = reduction catalyst
SPL = smoke puff limiter (heavy-duty engines only)
THM = thermal reactor
3WY = three-way catalyst

Evaporative emission control systems:

CAN = carbon canister storage
CFK = crankcase storage
NON = none

Methods of engine air aspiration (heavy-duty diesel engines):
A = aftercooled
N = natural
T = turbocharged

The heavy-duty engine and motocycle reports are arranged alphabetically by manufacturer. The formats of these reports are self-explanatory and require no further comment.

The following light-duty vehicle and truck report is divided into four main sections: light-duty vehicles, light-duty trucks, diesel light-duty vehicles, and diesel light-duty trucks. Each of the sections is subdivided alphabetically by manufacturer, with each manufacturer's data in turn categorized under "family combinations certified" and "evap-emissions families." The "family

combinations certified" section identifies, in the left-most column of the report, name of the exhaust emission family/evaporative emission family combination to which EPA issues a certificate, the displacement (measured in cubic inches) of all engines within the combination, and the names of all car lines covered (and certified) by that particular exhaust emission/evaporative emission family combination. (Note that the listing of car lines covered is arranged vertically.) All data arrayed to the left of the "car lines covered" column—i.e., the "vehicle car line represented," "emission control system," etc.—is arranged horizontally, with each line of data describing one of the emission-data vehicles selected and tested by EPA to determine the emission levels achieved by the exhaust emission family portion of the combination. Vehicles which were tested to determine compliance for both the exhaust emission and the evaporative emission components of the combination are marked with an asterisk (*). (A complete listing of all test vehicles belonging to each evaporative emission family is provided in the "evap emission family" section described below.) Directly beneath this array of exhaust emission-data information are printed the deterioration factors achieved by both the exhaust emission and evaporative emission family components of the combination. This listing of combination name, car lines covered by the certificate, exhaust emission-data vehicle results, and the combination's deterioration factors will be repreated for as many combinations as the manufacturer has certified.

After the "family combinations certified" section, the manfacturer's "evap-emission families" are described in detail. The report prints the name of each evaporative emission family in the "exh-emiss family/evap-emiss fam" column and then describes, for each evaporative emission family, the evaporative emission-data vehicles whose test results have supported certification. Data on the vehicles within each evaporative-emission family are arrange horizonatally, with each line of the report corresponding to a distinct vehicle confriguration.

This publication should not be construed as an endorsement by the Environmental Protection Agency of any manufacturer's vehicles or engines.

For further information contact: Ms. Christine Mikolajczk, Certification Division, Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313–668–4345).

Dated: July 11, 1979.

Michael P. Walsh,

Acting Assistant Administrator.

BILLING CODE 6560-01-M

1979 MODEL YEAR HEAVY-DUTY GASOLINE ENGINES

MANUFACTURER / FAMILY INFORMATION	TEST ENGINE INFORMATION						CERTIFICATION LEVELS		
							EXHAUST EMISSIONS (GM/BHP-HR)		
FAMILY DESIGNATION [MODELS COVERED] [ENG. DISPLMTS]	TEST ENGINE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISPL. (CI OR L)	CARB VENTURIS	RATED H.P.	MAXIMUM TORQUE (LBF FT)	HYDRO-CARBONS	HYDROCARBONS + OXIDES OF NITROGEN	CARBON MONOXIDE
BLUEBIRD									
G9110 [L43] [427]									
	L43	AIR	427	4V	(DETERIORATION FACTORS: 220	360	0.0 0.3	0.0 7	0.0) 14
CHRYSLER									
LA1 [3601; 3603] [360]									
	3601	EM+EGR+AIR	360	4V	(DETERIORATION FACTORS: 190	265	0.0 0.6	0.0 8.9	0.0) 12
	3603	EM+EGR+AIR	360	4V	180	255	0.4	7.2	9
RB* [4401; 4403] [440]									
	4403	EM+EGR	440	4V	(DETERIORATION FACTORS: 225	320	0.15 0.5	2.11 7.6	3.25) 11
FORD									
4.9L*0* [4.9L] [4.9]									
	4.9L	EGR+AIR	4.9	1V	(DETERIORATION FACTORS: 118	226	0.0 0.7	0.0 6.6	0.0) 14
	4.9L	EGR+AIR	4.9	1V	118	227	0.6	5.8	14
5.8L(M)/6.6L** [5.8L(M); 6.6L] [5.8; 6.6]									
	5.8L(M)	EGR+AIR	5.8	2V	(DETERIORATION FACTORS: 149	260	0.0 0.8	0.0 8.0	0.0) 24
	5.8L(M)	EGR+AIR	5.8	2V	149	260	0.5	2.8	18
	6.6L	EGR+AIR	6.6	2V	169	318	0.9	7.4	19
5.8L(W)** [5.8L(W)] [5.8]									
	5.8L(W)	EGR+AIR	5.8	2V	(DETERIORATION FACTORS: 143	272	0.0 0.7	0.0 4.8	0.48) 14
6.1L** [6.1L] [6.1]									
	6.1L	EGR+AIR	6.1	2V	(DETERIORATION FACTORS: 155	250	0.0 1.0	0.0 7.4	1.91) 19
	6.1L	EGR+AIR	6.1	4V	175	280	0.6	6.7	18
7.0L/7.5L** [7.0L] [7.0]									
	7.0L	EGR+AIR	7.0	4V	(DETERIORATION FACTORS: 225	340	0.0 0.6	0.0 8.0	0.0) 17
	7.5L	EGR+AIR	7.0	4V	220	355	0.6	9.5	16
7.8L/8.8L** [7.8L; 8.8L] [7.8; 8.8]									
	7.8L	AIR	7.8	4V	(DETERIORATION FACTORS: 218	393	0.0 0.5	0.29 6.7	5.87) 19
	8.8L	AIR	8.8	4V	227	431	0.2	5.4	18

1979 MODEL YEAR HEAVY-DUTY GASOLINE ENGINES

MANUFACTURER / FAMILY INFORMATION	TEST ENGINE INFORMATION						CERTIFICATION LEVELS — EXHAUST EMISSIONS (GM/BHP-HR)		
FAMILY DESIGNATION [MODELS COVERED] [ENG. DISPLMTS]	TEST ENGINE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISPL. (CI OR L)	CARB VENTURIS	RATED H.P.	MAXIMUM TORQUE (LBF FT)	HYDRO-CARBONS	HYDROCARBONS + OXIDES OF NITROGEN	CARBON MONOXIDE
GENERAL MOTORS									
GM112 [L25] [292]									
					(DETERIORATION FACTORS:		0.0	0.0	0.0)
	L25	AIR	292	1V	125	225	0.2	6	13
	L25	AIR	292	1V	115	215	0.1	6	16
GM113 [LF4; LF5; LS9; 9B5] [350; 400]									
					(DETERIORATION FACTORS:		0.0	0.16	0.0)
	LF4	AIR	400	4V	180	310	0.9	8	22
	LF5	AIR	350	2V	160	275	0.4	6	18
	LS9	AIR	350	4V	165	255	0.9	8	14
	9B5	AIR	350	2V	135	260	0.4	6	14
GM114 [L42; L43; L86] [366; 427; 454]									
					(DETERIORATION FACTORS:		0.0	0.0	0.0)
	L42	AIR	454	4V	245	380	0.3	7	13
	L43	AIR	427	4V	220	360	0.3	7	14
	L86	AIR	366	4V	190	305	0.6	6	14
GM115 [LF8] [454]									
					(DETERIORATION FACTORS:		0.0	0.0	0.0)
	LF8	AIR	454	4V	210	340	0.5	5	21
INTERNATIONAL HARVESTER									
MV8 [MV404; MV446] [400; 447]									
					(DETERIORATION FACTORS:		0.0	0.53	4.83)
	MV404	EGR+AIR	400	4V	206	333	0.9	6.8	24
	MV404	EGR+AIR	400	2V	189	324	0.7	7.1	21
	MV446	EGR+AIR	447	4V	227	381	0.8	5.5	21
V345 [V345] [345]									
					(DETERIORATION FACTORS:		0.0	0.0	1.98)
	V345	EGR+AIR	345	2V	147	277	0.9	6.5	15
V392 [V392] [392]									
					(DETERIORATION FACTORS:		0.0	1.27	1.38)
	V392	EGR+AIR	391	4V	185	303	0.8	7.6	17
V537 [V537] [537]									
					(DETERIORATION FACTORS:		0.0	1.22	0.79)
	V537	EGR+AIR	537	2V	203	409	0.2	7.5	18
REVCO									
GM115 [LF8] [454]									
					(DETERIORATION FACTORS:		0.0	0.0	0.0)
	LF8	AIR	454	4V	210	340	0.5	5	21

1979 MODEL YEAR HEAVY-DUTY DIESEL ENGINES

MANUFACTURER FAMILY INFORMATION / FAMILY DESIGNATION [MODELS COVERED] [DISPLMTS] ENGINE AIR ASPIRATION	TEST ENGINE INFORMATION: TEST ENGINE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISPL. (CI OR L)	RATED H.P.	MAXIMUM TORQUE (LBF FT)	CERTIFICATION LEVELS: EXHAUST EMISSIONS: HYDRO-CARBONS (GM/BHP-HR)	HYDROCARBONS + OXIDES OF NITROGEN (GM/BHP-HR)	CARBON MONOXIDES (GM/BHP-HR)	SMOKE EMISSIONS: ACCEL (%)	LUG (%)	PEAK (%)
CATERPILLAR											
10 [3406] [893] T+A			DETERIORATION FACTORS:			0.08	0.69	0.0	0.96	0.86	0.0
	3406	SPL	893	375	1145	0.3	6	1	18	4	26
11 [3406] [893] T			DETERIORATION FACTORS:			0.03	0.46	0.0	0.0	0.82	0.45
	3406	SPL	893	300	1054	0.5	9	2	14	9	17
	3406	SPL	893	325	1015	0.5	10	2	13	7	15
12 [3408] [1099] T+A			DETERIORATION FACTORS:			0.0	0.08	0.19	1.31	0.0	0.0
	3408	SPI	1099	450	1350	0.2	6	1	19	6	26
13 [3208] [636] N			DETERIORATION FACTORS:			0.0	0.0	0.98	1.06	0.22	8.00
	3208	EGR	636	200	490	0.7	7	4	7	6	18
14 [3306] [638] T+A			DETERIORATION FACTORS:			0.0	0.0	0.0	2.71	2.70	3.08
	3306	SPL	893	245	820	0.2	5	2	16	10	28
15 [3408] [1099] T			DETERIORATION FACTORS:			0.01	0.0	0.12	0.30	0.57	0.08
	3408	SPL	1099	400	1225	0.6	8	2	13	6	14
16 [3406] [893] T+A			DETERIORATION FACTORS:			0.0	0.10	0.05	1.13	2.26	1.68
	3406	SPL	893	350	1165	0.3	9	3	20	13	23
	3406	SPL	893	380	1245	0.3	9	2	20	13	22
17 [3408] [1099] T+A			DETERIORATION FACTORS:			0.0	0.19	0.08	0.0	1.18	0.0
	3408	SPL	1099	450	1460	0.4	7	3	18	14	15
3 [3208] [636] N			DETERIORATION FACTORS:			0.01	0.0	0.0	0.0	0.0	0.0
	3208	NONE	636	210	500	1.1	9	5	13	12	23
	3208	NONE	636	160	385	1.3	10	4	2	2	4
4 [3306] [638] T			DETERIORATION FACTORS:			0.10	0.08	0.0	0.0	0.21	0.0
	3306	SPL	638	250	690	0.3	6	1	11	6	21
	3306	SPL	638	250	690	0.3	6	1	9	7	15
9 [3406] [893] T			DETERIORATION FACTORS:			0.05	0.92	0.0	1.34	0.0	0.08
	3406	SPL	893	325	970	0.2	7	1	13	6	21

1979 MODEL YEAR HEAVY-DUTY DIESEL ENGINES

MANUFACTURER FAMILY INFORMATION	TEST ENGINE INFORMATION					CERTIFICATION LEVELS					
						EXHAUST EMISSIONS			SMOKE EMISSIONS		
FAMILY DESIGNATION [MODELS COVERED] [DISPLMTS] ENGINE AIR ASPIRATION	TEST ENGINE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISPL. (CI OR L)	RATED H.P.	MAXIMUM TORQUE (LBF FT)	HYDRO-CARBONS (GM/BHP-HR)	HYDROCARBONS + OXIDES OF NITROGEN (GM/BHP-HR)	CARBON MONOXIDES (GM/BHP-HR)	ACCEL (%)	LUG (%)	PEAK (%)
CUMMINS DIESEL											
091 [NHC250; NH230] [855] N			DETERIORATION FACTORS:			0.0	0.47	0.0	0.0	0.0	0.0
	NHC250	NONE	855	240	658	0.4	8	4	8	10	11
	NH230	NONE	855	220	644	0.2	9	5	7	6	10
	NH230	NONE	855	220	644	0.6	8	5	6	6	6
092A [NHHTC290; NTC250; NTC290] [855] T			DETERIORATION FACTORS:			0.06	0.0	0.24	1.22	1.55	0.0
	NTC290	SPL	855	293	961	0.3	9	2	11	3	12
093E [NHHTCC290; NTCC290; NTCC350; NTCC400; NTC350; NTC400] [855] T+A			DETERIORATION FACTORS:			0.0	0.39	0.90	0.87	0.0	0.0
	NTC400	SPL	855	400	1187	0.3	9	3	15	2	17
172A [VTB903; VT350; VT903] [903] T			DETERIORATION FACTORS:			0.0	0.0	0.0	0.0	0.0	0.0
	VT350	SPL	903	350	848	1.2	9	2	15	6	19
172C [VTB903; VT350; VT903] [903] T			DETERIORATION FACTORS:			0.11	0.90	0.37	0.0	0.0	0.0
	VT350	SPL	903	350	858	0.5	8	2	11	5	14
192B [KT450] [1150] T			DETERIORATION FACTORS:			0.0	0.0	0.0	0.0	0.0	0.0
	KT450	SPL	1150	450	1350	0.4	9	1	9	1	17
193 [KTA525; KTA600; KTC450; KT450] [1150] T+A			DETERIORATION FACTORS:			0.0	1.02	0.0	0.0	0.0	0.0
	KTA600	SPL	1150	600	1650	0.3	10	2	12	1	18
221 [V555] [555] N			DETERIORATION FACTORS:			0.0	0.0	0.43	3.10	3.70	3.39
	V555	NONE	555	216	425	0.7	10	5	10	11	13
	V555	NONE	555	216	425	0.9	9	5	12	14	17
222 [VT225] [555] T			DETERIORATION FACTORS:			0.01	0.99	0.0	0.0	0.0	0.0
	VT225	NONE	555	225	445	0.7	9	2	11	4	14
DEUTZ											
F5L912 [F5L912] [288] N			DETERIORATION FACTORS:			0.0	0.0	0.0	0.91	0.84	2.00
	F5L912	FN	288	100	214	1.3	9	5	7	8	11
GENERAL MOTORS											
4L53T [4L53T] [212] T			DETERIORATION FACTORS:			0.16	0.0	2.11	2.62	2.56	0.13
	4L53T	SPL	212	170	402	0.8	8	5	12	6	18

1979 MODEL YEAR HEAVY-DUTY DIESEL ENGINES

MANUFACTURER FAMILY INFORMATION	TEST ENGINE INFORMATION					CERTIFICATION LEVELS					
						EXHAUST EMISSIONS			SMOKE EMISSIONS		
FAMILY DESIGNATION [MODELS COVERED] [DISPLMTS] ENGINE AIR ASPIRATION	TEST ENGINE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISPL. (CI OR L)	RATED H.P.	MAXIMUM TORQUE (LBF FT)	HYDRO-CARBONS (GM/BHP-HR)	HYDROCARBONS + OXIDES OF NITROGEN (GM/BHP-HR)	CARBON MONOXIDES (GM/BHP-HR)	ACCEL (%)	LUG (%)	PEAK (%)
GENERAL MOTORS											
6L71N [6L71N] [426] N				DETERIORATION FACTORS:		0.0	0.20	0.0	0.0	0.0	3.36
	6L71N	NONE	426	239	611	0.7	9	6	10	6	23
	6L71N	NONE	426	184	590	1.0	9	12	19	10	40
6L71T [6L71T] [426] T				DETERIORATION FACTORS:		0.01	0.99	0.0	0.0	0.0	0.06
	6L71T	SPL	426	275	801	0.6	10	3	11	3	16
	6L71T	SPL	426	260	781	0.5	10	3	7	3	10
6V71NCOACH [6V71N] [426] N				DETERIORATION FACTORS:		0.06	0.53	0.0	1.39	0.0	1.84
	6V71NCOACH	SPL	426	190	575	1.2	10	8	5	5	7
	6V71NCOACH	SPL	426	160	549	1.3	9	2	4	1	6
6V92TA [6V92TA; 6V92TA(CP)] [552] T+A				DETERIORATION FACTORS:		0.02	0.0	0.87	2.28	1.06	4.56
	6V92TA	SPL	552	335	962	0.6	8	3	14	3	22
	6V92TA	SPL	552	300	910	0.6	9	3	17	9	35
8V71N [8V71N] [568] N				DETERIORATION FACTORS:		0.12	0.04	0.0	0.0	0.55	0.0
	8V71N	NONE	568	316	818	0.6	8	11	17	13	27
	8V71N	NONE	568	248	756	1.0	9	4	4	3	8
8V71NCOACH [8V71NCOACH] [568] N				DETERIORATION FACTORS:		0.0	0.0	0.0	0.0	0.0	0.0
	8V71NCOACH	SPL	568	270	785	0.9	8	3	3	3	5
	8V71NCOACH	SPL	568	230	720	0.7	8	7	4	9	9
8V71TA [8V71TA] [568] T+A				DETERIORATION FACTORS:		0.0	0.35	0.0	0.0	0.37	0.0
	8V71TA	SPL	568	350	1059	0.5	7	2	18	2	35
8V92TA [8V92TA; 8V92TA(CP)] [736] T+A				DETERIORATION FACTORS:		0.0	0.07	0.0	0.0	0.0	0.21
	8V92TA	SPL	736	430	1230	0.8	7	2	15	2	28
	8V92TA	SPL	736	435	1242	0.5	8	3	10	9	15
HINO											
EH [EH700; EH700E] [393] N				DETERIORATION FACTORS:		0.08	0.0	1.16	1.65	1.64	2.30
	EH700	EM	393	150	286	0.9	5	5	9	14	15
	EH700E	EM	393	153	297	1.5	8	6	9	11	12
INTERNATIONAL HARVESTER											
DT466B [210BHP@2600RPM] [466] T				DETERIORATION FACTORS:		0.04	0.0	0.08	2.53	2.17	4.85
	210BHD	SPL	466	210	487	0.6	7	2	13	8	18

1979 MODEL YEAR HEAVY-DUTY DIESEL ENGINES

MANUFACTURER FAMILY INFORMATION	TEST ENGINE INFORMATION					CERTIFICATION LEVELS					
						EXHAUST EMISSIONS			SMOKE EMISSIONS		
FAMILY DESIGNATION [MODELS COVERED] [DISPLMTS] ENGINE AIR ASPIRATION	TEST ENGINE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISPL. (CI OR L)	RATED H.P.	MAXIMUM TORQUE (LBF FT)	HYDRO-CARBONS (GM/BHP-HR)	HYDROCARBONS + OXIDES OF NITROGEN (GM/BHP-HR)	CARBON MONOXIDES (GM/BHP-HR)	ACCEL (%)	LUG (%)	PEAK (%)
INTERNATIONAL HARVESTER											
DT466B											
[160BHP@2600RPM; 180BHP@2600RPM; 190BHP; 210BHP]											
[466]											
T			DETERIORATION FACTORS:			0.01	0.0	0.69	0.72	3.20	1.10
	210BHD	SPL	466	210	987	0.6	9	2	9	10	12
ISUZU											
4BD											
[4BD1A]											
[235]											
N			DETERIORATION FACTORS:			0.14	0.62	0.57	1.17	1.22	1.74
	4BD1A	EM	235	87	166	1.2	7	8	8	7	13
6BD											
[6BD1A]											
[353]											
N			DETERIORATION FACTORS:			0.14	0.62	0.57	1.17	1.22	1.74
	6BD1A	EM	353	130	253	1.4	7	8	10	8	19
IVECO-FIAT											
VI8300											
[8360.05.673]											
[494]											
N			DETERIORATION FACTORS:			0.14	0.62	0.57	1.17	1.22	1.74
	8360.05.673	NONE	494	160	376	0.9	9	6	11	15	16
8220											
[8220.02.142]											
[584]											
N			DETERIORATION FACTORS:			0.14	0.62	0.57	1.17	1.22	1.74
	8220.02.142	NONE	584	200	470	0.9	8	8	7	8	9
MACK TRUCK											
S1B											
[ETZ477B]											
[675]											
T			DETERIORATION FACTORS:			0.05	0.38	0.17	1.05	1.04	1.73
	ETZ477B	SPL	675	210	535	0.9	9	2	10	5	20
10											
[ETAX(B)1000; ETAX(B)1005A; ETAZ(B)1005A]											
[998]											
T+A			DETERIORATION FACTORS:			0.0	0.71	0.09	1.19	0.71	1.17
	ETAZ(B)1005A	SPL	998	392	1519	0.1	8	1	11	6	20
11											
[ETY(B)673E; ETY(B)675; ETY(B)675(B); ETZ(B)673; ETZ(B)673E; ETZ(B)673F; ETZ(B)675; ETZ(B)675(B)]											
[672]											
T			DETERIORATION FACTORS:			0.09	0.81	1.06	0.0	0.25	0.0
	ENDT6(B)675C	SPL	672	235	906	0.9	10	3	17	9	31
	ETY(B)675	SPL	672	235	906	0.6	8	3	18	12	39
8											
[ETZ(B)1005; ETZ(B)1005A]											
[998]											
T			DETERIORATION FACTORS:			0.0	0.29	0.0	0.91	1.62	1.04
	ETZ(B)1005	SPL	998	354	1370	0.3	9	1	13	9	21
9											
[ENDT(B)676; ENDT(B)676A; ETAY(B)673A; ETAY(B)676; ETAY(B)676D; ETAZ(B)673; ETAZ(B)673A; ETAZ(B)673C]											
[672]											
T+A			DETERIORATION FACTORS:			0.0	1.00	0.0	0.0	2.11	0.0
	ETAY(B)676	SPL	672	283	1080	0.8	8	2	11	13	16
	ETAZ(B)673A	SPL	672	315	1050	0.4	9	1	17	6	29
MERCEDES-BENZ											
OM352											
[OM352]											
[346]											
N			DETERIORATION FACTORS:			0.0	0.0	0.0	1.69	0.0	0.0
	OM352	NONE	346	130	253	0.8	8	5	8	13	11

1979 MODEL YEAR HEAVY-DUTY DIESEL ENGINES

MANUFACTURER / FAMILY INFORMATION	TEST ENGINE INFORMATION					CERTIFICATION LEVELS					
						EXHAUST EMISSIONS			SMOKE EMISSIONS		
FAMILY DESIGNATION [MODELS COVERED] [DISPLMTS] ENGINE AIR ASPIRATION	TEST ENGINE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISPL. (CI OR L)	RATED H.P.	MAXIMUM TORQUE (LBF FT)	HYDRO-CARBONS (GM/BHP-HR)	HYDROCARBONS + OXIDES OF NITROGEN (GM/BHP-HR)	CARBON MONOXIDES (GM/BHP-HR)	ACCEL (%)	LUG (%)	PEAK (%)
MERCEDES-BENZ											
OM352A											
[OM352A]											
[346]											
T			DETERIORATION FACTORS:			0.0	0.57	0.0	0.0	0.0	0.0
	OM352A	NONE	346	156	310	0.9	9	3	5	4	7
OM355/5											
[OM355/5]											
[589]											
N			DETERIORATION FACTORS:			0.0	0.0	0.61	0.03	0.0	0.0
	OM355/5	NONE	589	180	455	0.8	9	6	8	10	11
MITSUBISHI											
6DB5											
[6DB50A]											
[243]											
N			DETERIORATION FACTORS:			0.36	0.82	1.11	0.0	0.29	0.0
	6D850A	EM	243	100	163	1.0	6	5	5	5	10
VOLVO											
TD100											
[TD100C]											
[586]											
T			DETERIORATION FACTORS:			0.05	0.38	0.17	1.05	1.04	1.73
	TD100C	SPL	586	253	671	0.6	9	2	11	5	22
TD60											
[TD60B]											
[334]											
T			DETERIORATION FACTORS:			0.05	0.38	0.17	1.05	1.04	1.73
	TD60B	SPL	334	170	382	1.1	9	2	6	3	9
TD70											
[TD70F]											
[409]											
T+A			DETERIORATION FACTORS:			0.05	0.38	0.17	1.05	1.04	1.73
	409	SPI	409	230	605	1.3	9	3	6	3	13
WHITE MOTORS											
LDT465											
[LDT4651C]											
[478]											
T			DETERIORATION FACTORS:			0.05	0.38	0.17	1.05	1.04	1.73
	LDT4651C	EM	478	134	335	0.7	9	1	13	9	19
	LDT4651C	EM	478	134	335	1.3	10	3	15	10	19

1979 MODEL YEAR MOTORCYCLES

MANUFACTURER / FAMILY DESIGNATION / [MODELS COVERED] / [CC DISPLACEMENT]	TEST VEHICLE INFORMATION: TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CYCLE (CC)	#CARBS	TRANS	INERTIA WEIGHT CLASS (KG'S)	DRIVE RATIO	DETERIORATION FACTORS: HYDRO-CARBONS	DETERIORATION FACTORS: CARBON MONOXIDE	CERTIFICATION LEVELS (GM/KM): HYDRO-CARBONS	CERTIFICATION LEVELS (GM/KM): CARBON MONOXIDE
HARLEY DAVIDSON											
V-TWIN											
[FLH; FLH CLASSIC; FLH CL W S/C; FLT; FX; FXE; FXEF; FXS; XLCH; XLCR; XLH; XLS; XLT]											
[1000; 1200; 1340]											
	FLH	EM	1207 - 4	1	M-4	490	3.90	1.103	1.000	2.0	13
	FLH	EM	1339 - 4	1	M-4	490	3.90	1.017	1.000	1.8	10
	FLH CL W S/C	EM	1339 - 4	1	M-4	560	3.90	1.051	1.061	2.3	6
	XLT	EM	998 - 4	1	M-4	390	4.22	1.502	1.357	2.9	10
HONDA											
79BP											
[CB400TI; CB400TII; CB400A; CM400A; CM400T]											
[395]											
	CB400A	EM	395 - 4	2	A-2	290	2.31	1.000	1.000	0.7	10
79DP											
[CM185T]											
[181]											
	CM185T	EM	181 - 4	1	M-4	220	2.33	1.198	1.024	1.3	12
79DV											
[CX500; CX500-CUSTOM; CX500-DELUXE]											
[497]											
	CX500	EM	497 - 4	2	M-5	320	3.09	1.118	1.000	2.0	9
79EV											
[XL185S]											
[180]											
	XL185S	EM	180 - 4	1	M-5	200	3.57	1.000	1.024	0.7	7
79HP											
[CBX]											
[1047]											
	CBX	EM	1047 - 4	6	M-5	380	2.33	1.071	1.045	2.0	14
79MP											
[CT70; CT90]											
[72; 90]											
	CT70	EM	72 - 4	1	M-3	160	2.33	1.174	1.000	0.7	9
79MP											
[CT70; CT90]											
[72; 90]											
	CT90	EM	90 - 4	1	M-4	180	3.00	1.078	1.000	0.7	10
79MV											
[XL75; XL100S; XL125S; CB125S]											
[75; 99; 124]											
	XL100S	EM	99 - 4	1	M-5	190	3.00	1.000	1.000	0.7	6
	XL125S	EM	124 - 4	1	M-6	200	4.00	1.000	1.003	0.7	5
	XL75	EM	75 - 4	1	M-4	160	2.57	1.120	1.000	0.7	10
79QP											
[GL1000]											
[1000]											
	GL1000	EM	1000 - 4	4	M-5	410	3.40	1.000	1.090	2.0	14
79QP											
[CB750K; CB750F; CB750L]											
[749]											
	CB750K	EM	749 - 4	4	M-5	360	2.53	1.344	1.046	3.0	9
79SV											
[XL500S]											
[498]											
	XL500S	EM	498 - 4	1	M-5	230	2.93	1.392	1.000	1.0	9
79TP											
[CB650]											
[627]											
	CB650	EM	627 - 4	4	M-5	320	2.50	1.122	1.000	2.0	8
79TV											
[XL250S]											
[249]											
	XL250S	EM	249 - 4	1	M-5	210	3.78	1.000	1.000	0.9	12
KAWASAKI											
KM100											
[KM100-A8; KM100-A9]											
[99]											
	KM100-A8	EM	99 - 2	1	M-5	180	2.80	1.000	1.016	3.7	8

1979 MODEL YEAR MOTORCYCLES

MANUFACTURER / FAMILY DESIGNATION / [MODELS COVERED] / [CC DISPLACEMENT]	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CYCLE (CC)	#CARBS	TRANS	INERTIA WEIGHT CLASS (KG'S)	DRIVE RATIO	DETERIORATION FACTORS: HYDRO-CARBONS	DETERIORATION FACTORS: CARBON MONOXIDE	CERTIFICATION LEVELS (GM/KM): HYDRO-CARBONS	CERTIFICATION LEVELS (GM/KM): CARBON MONOXIDE
KAWASAKI											
KE125											
[KE125-A5]											
[124]	KE125-A5A	EM	124 - 2	1	M-6	190	3.57	1.006	1.000	3.4	12
KE175											
[KE175-D1]											
[169]	KE175-D1	EM	169 - 2	1	M-5	190	3.43	1.106	1.072	3.7	11
KE250											
[KE250-B3]											
[249]	KE250-B3	EM	249 - 2	1	M-5	210	2.79	1.029	1.041	5.8	14
KL250											
[KL250-A2]											
[246]	KL250-A1A	EM	246 - 4	1	M-5	220	2.86	1.000	1.000	0.9	10
KZ700											
[KZ1000-A3; KZ1000-A3A; KZ1000-B3; KZ1000-B3A; KZ1000-C2; KZ1000-D2; KZ1000-E1]											
[1015]	KZ1000-A3	EM+AIR	1015 - 4	4	M-5	390	2.20	1.000	1.000	1.6	11
	KZ1000-E1	EM+AIR	1015 - 4	4	M-5	410	3.36	1.102	1.201	1.5	8
KZ1300											
[KZ1300-A1; KZ1300-B1]											
[1286]	KZ1300-A1	EM+AIR	1286 - 4	3	M-5	470	2.65	1.055	1.000	2.0	6
KZ200											
[KZ200-A2]											
[198]	KZ200-A1A	EM	198 - 4	1	M-5	220	2.67	1.000	1.000	0.8	10
KZ400											
[KZ400-B2; KZ400-C2; KZ400-H1]											
[398]	KZ400-B2	EM	398 - 4	2	M-6	290	3.00	1.011	1.000	1.1	14
KZ650											
[KZ650-B3; KZ650-C3; KZ650-D2]											
[652]	KZ650-B3	EM+AIR	652 - 4	4	M-5	370	2.63	1.613	1.000	3.7	9
KZ750											
[KZ750-B4]											
[745]	KZ750-B3A	EM	745 - 4	2	M-5	350	2.38	1.000	1.018	0.8	9
SUZUKI											
GS100											
[GS1000; GS1000E; GS1000L]											
[997]	GS1000E	EM	997 - 4	4	M-5	360	4.78	1.000	1.000	1.0	11
GS40											
[GS425; GS425E; GS425L; GS425X]											
[423]	GS425	EM	423 - 4	2	M-6	270	6.50	1.218	1.000	1.3	7
GS55											
[GS550; GS550E; GS550L]											
[549]	GS550E	EM	549 - 4	4	M-6	330	6.30	1.240	1.090	2.0	11
GS75											
[GS750; GS750E; GS750L]											
[748]	GS750E	EM	748 - 4	4	M-5	350	5.66	1.020	1.108	2.0	13
GS850											
[GS850G]											
[843]	GS850G	EM	843 - 4	4	M-5	380	5.60	1.208	1.008	2.0	10
SP37											
[SP370]											
[370]	SP-370	EM	370 - 4	1	M-5	210	7.24	1.510	1.083	1.9	14
TS100											
[TS100]											
[98]	TS100	EM	98 - 2	1	M-5	180	10.24	1.000	1.000	3.8	8
TS125											
[TS125]											
[123]	TS125	EM	123 - 2	1	M-5	180	9.14	1.118	1.000	4.1	9

1979 MODEL YEAR MOTORCYCLES

MANUFACTURER / FAMILY DESIGNATION / [MODELS COVERED] / [CC DISPLACEMENT]	TEST VEHICLE INFORMATION: TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CYCLE (CC)	#CARBS	TRANS	INERTIA WEIGHT CLASS (KG'S)	DRIVE RATIO	DETERIORATION FACTORS: HYDRO-CARBONS	DETERIORATION FACTORS: CARBON MONOXIDE	CERTIFICATION LEVELS (GM/KM): HYDRO-CARBONS	CERTIFICATION LEVELS (GM/KM): CARBON MONOXIDE
SUZUKI											
TS185/250											
[TS185; TS250]											
[183; 246]											
	TS185	EM	183 - 2	1	M-5	190	8.56	1.011	1.000	4.4	11
	TS250	EM	246 - 2	1	M-5	210	6.95	1.000	1.000	4.5	8
YAMAHA											
2*0-78											
[XS650*; XS650SP]											
[654]											
	XS650E	EM	654 - 4	2	M-5	350	2.00	1.000	1.127	1.3	15
2*1-79											
[XS500F]											
[499]											
	XS500F	EM	499 - 4	2	M-5	330	2.62	1.285	1.019	2.0	13
2*3-78											
[XS750*; XS750SP]											
[747]											
	XS750E	EM	747 - 4	3	M-5	380	3.58	1.000	1.032	2.0	13
2*4-78											
[GT80F]											
[73]											
	GT80E	EM	73 - 2	1	M-4	150	2.93	1.000	1.144	3.2	8
2*5-78											
[DT100F]											
[97]											
	DT100E	EM	97 - 2	1	M-5	170	3.21	1.000	1.000	3.8	10
2*7-79											
[LB80-2AF]											
[73]											
	LB80-2AF	EM	73 - 2	1	A-2	160	2.00	1.000	1.095	3.0	5
2H0-78											
[XT500F]											
[499]											
	XT500E	EM	499 - 4	1	M-5	240	2.75	1.000	1.021	0.5	12
2H7-79											
[XS1100F; XS1100SP]											
[1102]											
	XS1100F	EM	1102 - 4	4	M-5	410	3.26	1.085	1.052	2.0	14
2J2-79											
[SR500F]											
[499]											
	SR500F	EM	499 - 4	1	M-5	280	2.75	1.000	1.000	0.6	11
2L0-79											
[XS400F; XS400-2F]											
[392]											
	XS400F	EM	392 - 4	2	M-6	290	2.44	1.000	1.000	1.2	13
2N4-79											
[DT125F]											
[123]											
	DT125F	EM	123 - 2	1	M-6	190	3.50	1.000	1.093	3.5	2
2N5-79											
[DT175F]											
[171]											
	DT175F	EM	171 - 2	1	M-6	190	3.06	1.027	1.014	3.9	8
2N6-79											
[DT250F]											
[246]											
	DT250F	EM+AIR	246 - 2	1	M-5	220	3.36	1.000	1.035	4.2	16
2N7-79											
[DT400F]											
[397]											
	DT400F	EM+AIR	397 - 2	1	M-5	220	2.69	1.000	1.001	7.2	16
2P0-79											
[RD400F]											
[399]											
	RD400F	EM+OTR	399 - 2	2	M-6	280	2.18	1.000	1.000	5.6	12

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
ALFA ROMEO - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
01615*A / E1615*A (120)										
C SPRINT VELOCE	C SPORT SEDAN	FI /PMP/OXD/ / /CRK	120-FI	A-3	3000	3.54	0.33	5.5	0.89	3.4 *
C SPORT SEDAN	C SPIDER 2000 VELOCE	FI /PMP/OXD/ / /CRK	120-FI	M-5	2750	4.55	0.33	4.4	0.77	2.2 *
C SPIDER 2000 VELOCE	C SPORT SEDAN	FI /PMP/OXD/ / /CRK	120-FI	M-5	3000	4.10	0.27	4.1	0.81	2.1 *
	C SPRINT VELOCE	FI /PMP/OXD/ / /CRK	120-FI	M-5	3000	4.10	0.26	3.3	0.85	2.1 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /PMP/OXD/ / /	FAMILY 01615*A				: 1.305	1.479	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CRK	FAMILY E1615*A				: N/A	N/A	N/A	0.0)
ALFA ROMEO - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
E1615*A										
	C SPORT SEDAN	FI /PMP/OXD/ / /CRK	120-FI	A-3	3000	3.54	0.33	5.5	0.89	3.4
	C SPORT SEDAN	FI /PMP/OXD/ / /CRK	120-FI	M-5	3000	4.10	0.27	4.1	0.81	2.1
	C SPIDER 2000 VELOCE	FI /PMP/OXD/ / /CRK	120-FI	M-5	2750	4.55	0.33	4.4	0.77	2.2
	C SPRINT VELOCE	FI /PMP/OXD/ / /CRK	120-FI	M-5	3000	4.10	0.26	3.3	0.85	2.1
AMERICAN MOTORS - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
I-C / E-5A (258)										
C CONCORD	C PACER	PMP/OXD/EGR/ / /CAN	258-1	A-3	3500	3.08	0.26	5.7	1.5	N/A
C CONCORD WAGON										
C SPIRIT										
C PACER										
C PACER WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		PMP/OXD/EGR/ / /	FAMILY I-C				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-5A				: N/A	N/A	N/A	0.0)
I-1 / E-1 (232)										
CONCORD	CONCORD	EGR/PMP/OXD/ / /CAN	232-1	A-3	3500	2.53	0.54	11.	1.3	N/A
CONCORD WAGON	PACER WAGON	EGR/PMP/OXD/ / /CAN	232-1	A-3	3500	2.73	0.53	14.	1.6	2.8 *
SPIRIT	SPIRIT	EGR/PMP/OXD/ / /CAN	232-1	A-3	3000	2.37	0.54	11.	1.2	N/A
I-1 / E-1										
PACER	SPIRIT	EGR/PMP/OXD/ / /CAN	232-1	M-3	3000	2.73	0.71	17.	1.4	3.0 *
PACER WAGON	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	232-1	M-4	3500	2.53	0.77	12.	1.6	2.7 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY I-1				: 1.203	1.070	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-1				: N/A	N/A	N/A	0.0)
I-3 / E-2 (258)										
CONCORD	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	258-2	A-3	3500	2.73	0.84	11.	0.96	2.8 *
CONCORD WAGON	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	258-2	A-3	3500	2.53	0.69	13.	1.3	N/A
SPIRIT	PACER	EGR/PMP/OXD/ / /CAN	258-2	M-4	3500	2.53	0.82	8.5	1.7	2.5 *
PACER										
PACER WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY I-3				: 1.385	1.418	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-2				: N/A	N/A	N/A	0.0)
I-3C / E-2A (258)										
C SPIRIT	C PACER WAGON	EGR/PMP/OXD/ / /CAN	258-2	A-3	3500	2.73	0.31	1.2	1.2	2.0 *
C CONCORD	C SPIRIT	EGR/PMP/OXD/ / /CAN	258-2	M-4	3500	2.73	0.34	1.8	1.4	2.0 *
C CONCORD WAGON										
C PACER										
C PACER WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY I-3C				: 1.547	1.126	1.075	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-2A				: N/A	N/A	N/A	0.0)
II-A / E-4 (304)										
CONCORD	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	304-2	L-3	4000	2.56	0.92	11.	1.6	1.6 *
CONCORD WAGON	PACER WAGON	EGR/PMP/OXD/ / /CAN	304-2	L-3	4000	2.87	0.95	14.	1.5	1.9 *
SPIRIT	SPIRIT	EGR/PMP/OXD/ / /CAN	304-2	M-4	3500	2.87	0.95	10.	1.1	N/A
PACER										
PACER WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY II-A				: 1.376	1.068	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-4				: N/A	N/A	N/A	0.0)

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS	
AMERICAN MOTORS - FAMILY COMBINATIONS CERTIFIED:											
ENGINE FAMILY TEST VEHICLES											
II-A / E-4A											
(304)											
CONCORD	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	304-2	L-3	4000	2.56	0.92	11.	1.6	N/A	
CONCORD WAGON	PACER WAGON	EGR/PMP/OXD/ / /CAN	304-2	L-3	4000	2.87	0.95	15.	1.5	N/A	
SPIRIT	SPIRIT	EGR/PMP/OXD/ / /CAN	304-2	M-4	3500	2.87	0.95	10.	1.1	N/A	
PACER											
PACER WAGON											
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY II-A				: 1.376	1.068	1.000	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-4A				: N/A	N/A	N/A	0.0)	
V / E-3											
(121)											
CONCORD	SPIRIT	EGR/PMP/OXD/ / /CAN	121-2	A-3	3000	3.58	0.52	10.	1.1	N/A	
SPIRIT	SPIRIT	EGR/PMP/OXD/ / /CAN	121-02	A-3	3000	3.31	1.0	12.	1.0	1.8 *	
C SPIRIT	CONCORD	EGR/PMP/OXD/ / /CAN	121-2	M-4	3000	3.31	1.2	9.9	1.2	2.0 *	
	CONCORD	EGR/PMP/OXD/ / /CAN	121-2	M-4	3000	3.31	0.96	11.	2.0	N/A	
	SPIRIT	EGR/PMP/OXD/ / /CAN	121-2	M-4	2750	3.08	1.0	9.2	1.6	2.5 *	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY V				: 1.245	1.063	1.000	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-3				: N/A	N/A	N/A	0.0)	
AMERICAN MOTORS - EVAP-EMISSION FAMILIES:											
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES											
E-1											
	PACER WAGON	EGR/PMP/OXD/ / /CAN	232-1	A-3	3500	2.73	0.53	14.	1.6	2.8	
	SPIRIT	EGR/PMP/OXD/ / /CAN	232-1	M-3	3000	2.73	0.71	14.	1.4	3.0	
	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	232-1	M-4	3500	2.53	0.77	12.	1.6	2.7	
E-2											
	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	258-2	A-3	3500	2.73	0.84	11.	0.96	2.8	
	PACER	EGR/PMP/OXD/ / /CAN	258-2	M-4	3500	2.53	0.82	8.5	1.7	2.5	
E-2A											
	C PACER WAGON	EGR/PMP/OXD/ / /CAN	258-2	A-3	3500	2.73	0.31	1.2	1.2	2.0	
	C SPIRIT	EGR/PMP/OXD/ / /CAN	258-2	M-4	3500	2.73	0.34	1.8	1.4	2.0	
E-3											
	SPIRIT	EGR/PMP/OXD/ / /CAN	121-02	A-3	3000	3.31	1.0	12.	1.0	1.8	
	CONCORD	EGR/PMP/OXD/ / /CAN	121-2	M-4	3000	3.31	1.2	9.9	1.2	2.0	
	SPIRIT	EGR/PMP/OXD/ / /CAN	121-2	M-4	2750	3.08	1.0	9.2	1.6	2.5	
E-4											
	CONCORD WAGON	EGR/PMP/OXD/ / /CAN	304-2	L-3	4000	2.56	0.92	11.	1.6	1.6	
	PACER WAGON	EGR/PMP/OXD/ / /CAN	304-2	L-3	4000	2.87	0.95	15.	1.5	1.9	
E-4A											
	CONCORD	EGR/PMP/OXD/ / /CAN	304-2	A-3	4000	2.87	0.94	13.	1.4	2.3	
E-5A											
	C PACER	PMP/OXD/EGR/ / /CAN	258-1	A-3	3500	3.08	0.22	5.6	1.8	2.2	
ASTON MARTIN - FAMILY COMBINATIONS CERTIFIED:											
ENGINE FAMILY TEST VEHICLES											
540 / 540VP											
(326)											
ASTON MARTIN VR	ASTON MARTIN VR	PMP/OXD/ / / /CAN	326-08	M-5	4500	3.54	0.97	2.2	1.8	4.2 *	
(EXHAUST DETERIORATION FACTORS FOR -		PMP/OXD/ / / /	FAMILY 540				: 1.900	1.700	1.200	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 540VP				: N/A	N/A	N/A	0.0)	
ASTON MARTIN - EVAP-EMISSION FAMILIES:											
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES											
540VP											
	ASTON MARTIN VR	PMP/OXD/ / / /CAN	326-08	M-5	4500	3.54	0.97	2.2	1.8	4.2	
AUDI - FAMILY COMBINATIONS CERTIFIED:											
ENGINE FAMILY TEST VEHICLES											
AUDI 80 C1 / AUDI 80											
(97)											
C FOX	C DASHER WAGON	FI /EGR/OXD/ / /CAN	97-FI	A-3	2500	3.91	0.16	1.1	1.1	1.2 *	

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
AUDI - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
AUDI 80 C1 / AUDI 80 (CONT.) (97)										
C FOX WAGON	C FOX	FI /EGR/OXD/ / /CAN	97-FI	M-4	2500	4.11	0.18	1.6	1.2	0.68 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY AUDI 80 C1				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY AUDI 80				: N/A	N/A	N/A	0.0)
AUDI 80F1 / AUDI 80 (97)										
FOX	FOX	FI /EGR/ / / /CAN	97-FI	A-3	2500	3.91	1.2	6.0	1.4	N/A
FOX WAGON	DASHER	FI /EGR/ / / /CAN	97-FI	M-4	2500	4.11	1.2	6.2	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/ / / /	FAMILY AUDI 80F1				: 1.000	1.221	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY AUDI 80				: N/A	N/A	N/A	0.0)
5000 C / 5000 (131)										
C 5000	C 5000	FI /EGR/OXD/ / /CAN	131-FI	A-3	3000	3.91	0.21	2.0	1.3	N/A
	C 5000	FI /EGR/OXD/ / /CAN	131-FI	M-5	3000	4.11	0.17	1.6	1.5	1.0 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY 5000 C				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 5000				: N/A	N/A	N/A	0.0)
5000 CL / 5000 (131)										
C 5000	C 5000	FI /3WY/CLS/ / /CAN	131-FI	A-3	3000	3.91	0.10	0.91	0.68	0.74 *
	C 5000	FI /3WY/CLS/ / /CAN	131-FI	M-5	3000	4.11	0.18	2.4	0.40	1.3 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/ / /	FAMILY 5000 CL				: 1.000	1.007	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 5000				: N/A	N/A	N/A	0.0)
5000 F / 5000 (131)										
5000	5000	FI /EGR/ / / /CAN	131-FI	A-3	3000	3.91	1.3	6.0	1.9	N/A
	5000	FI /EGR/ / / /CAN	131-FI	M-5	3000	4.11	1.2	7.1	1.9	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/ / / /	FAMILY 5000 F				: 1.028	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 5000				: N/A	N/A	N/A	0.0)
AUDI - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
AUDI 80										
	C DASHER WAGON	FI /EGR/OXD/ / /CAN	97-FI	A-3	2500	3.91	0.16	1.1	1.1	1.2
	C FOX	FI /EGR/OXD/ / /CAN	97-FI	M-4	2500	4.11	0.18	1.6	1.2	0.68
5000										
	C 5000	FI /3WY/CLS/ / /CAN	131-FI	A-3	3000	3.91	0.10	0.91	0.68	0.74
	C 5000	FI /EGR/OXD/ / /CAN	131-FI	M-5	3000	4.11	0.17	1.6	1.5	1.0
	C 5000	FI /3WY/CLS/ / /CAN	131-FI	M-5	3000	4.11	0.18	2.4	0.40	1.3
AVANTI - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
910L4 / 984-1 (350)										
C AVANTI II	C AVANTI II	EGR/OXD/OTH/ / /CAN	350-4	A-3	4000	3.07	0.40	8.2	0.95	3.8 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ / /	FAMILY 910L4				: 1.135	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 984-1				: N/A	N/A	N/A	0.0)
AVANTI - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
984-1										
	C AVANTI II	EGR/OXD/OTH/ / /CAN	350-4	A-3	4000	3.07	0.40	8.2	0.95	3.8
BMW - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
BMW 120.A / EV10 (121)										
C 320 I	C 320 I	FI /THM/EGR/PMP/ /CAN	121-FI	A-3	2750	3.64	0.20	4.7	1.1	1.6 *
	C 320 I	FI /THM/EGR/PMP/ /CAN	121-FI	M-4	2750	3.64	0.25	5.0	1.1	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /THM/EGR/PMP/ /	FAMILY BMW 120.A				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV10				: N/A	N/A	N/A	0.0)

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
BMW - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
BMW 120.9 / EV10										
(121)										
320 I	320 I	FI /THM/EGR/PMP/ /CAN	121-FI	A-3	2750	3.64	0.87	9.7	1.4	N/A
	320 I	FI /THM/EGR/PMP/ /CAN	121-FI	M-4	2750	3.64	1.1	7.8	1.8	0.80 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /THM/EGR/PMP/ /	FAMILY BMW 120.9				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV10				: N/A	N/A	N/A	0.0)
BMW 128.8 / EV10										
(170)										
C 528 I	C 528 I	FI /3WY/CLS/ / /CAN	170-FI	A-3	3500	3.45	0.30	1.7	0.72	0.89 *
	C 528 I	FI /3WY/CLS/ / /CAN	170-FI	M-4	3500	3.45	0.24	1.8	0.43	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/ / /	FAMILY BMW 128.8				: 1.000	1.000	1.350	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV10				: N/A	N/A	N/A	0.0)
BMW 133.8 / EV10										
(196)										
633 CSI	C 633 CSI	FI /THM/EGR/PMP/ /CAN	196-FI	A-3	4000	3.45	0.32	6.9	1.2	N/A
C 633 CSI	733 I	FI /THM/EGR/PMP/ /CAN	196-FI	A-3	4000	3.45	0.31	11.	1.7	0.66 *
733 I	733 I	FI /THM/EGR/PMP/ /CAN	196-FI	M-4	4000	3.45	0.32	9.3	1.8	N/A
C 733 I	C 633 CSI	FI /THM/EGR/PMP/ /CAN	196-FI	M-4	4000	3.45	0.17	5.8	1.2	1.6 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /THM/EGR/PMP/ /	FAMILY BMW 133.8				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV10				: N/A	N/A	N/A	0.0)
BMW - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
EV10										
	C 320 I	FI /THM/EGR/PMP/ /CAN	121-FI	A-3	2750	3.64	0.20	4.7	1.1	1.6
	320 I	FI /THM/EGR/PMP/ /CAN	121-FI	M-4	2750	3.64	1.1	7.8	1.8	0.80
	C 528 I	FI /3WY/CLS/ / /CAN	170-FI	A-3	3500	3.45	0.30	1.7	0.72	0.89
	733 I	FI /THM/EGR/PMP/ /CAN	196-FI	A-3	4000	3.45	0.31	11.	1.7	0.66
	C 633 CSI	FI /THM/EGR/PMP/ /CAN	196-FI	M-4	4000	3.45	0.17	5.8	1.2	1.6
(BLMC) AUSTIN-MORRIS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
B/50 / LCAN1										
(110)										
MGB	C MGB	EGR/PMP/OXD/ / /CAN	110-1	M-4	2750	3.91	0.17	4.1	1.3	N/A
C MGB	C MGB	EGR/PMP/OXD/ / /CAN	110-1	M-4	2750	3.91	0.17	4.8	1.6	0.60 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY B/50				: 1.296	1.505	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY LCAN1				: N/A	N/A	N/A	0.020)
(BLMC) AUSTIN-MORRIS - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
LCAN1										
	C MGB	EGR/PMP/OXD/ / /CAN	110-1	M-4	2750	3.91	0.17	4.8	1.6	0.60
(BLMC) JAGUAR - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
V12/50 / XJFI										
(326)										
C XJ C XJS	C XJ	FI /EGR/PMP/OXD/ /CAN	326-FI	A-3	4500	3.31	0.35	4.8	1.1	4.3 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/OXD/ /	FAMILY V12/50				: 1.101	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY XJFI				: N/A	N/A	N/A	0.860)
V12/50-1 / XJFI										
(326)										
XJ XJS	XJ	FI /EGR/PMP/OXD/ /CAN	326-FI	A-3	4500	3.31	0.72	6.0	1.4	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/OXD/ /	FAMILY V12/50-1				: 1.186	1.000	1.350	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY XJFI				: N/A	N/A	N/A	0.860)
4.2FI / XJFI										
(258)										
C XJ	C XJ	FI /3WY/CLS/ / /CAN	258-FI	A-3	4500	3.31	0.43	5.8	1.3	2.4 *

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
(BLMC) JAGUAR - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
4.2FI / XJFI (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR - FI /3WY/CLS/ / /			FAMILY 4.2FI				1.187	1.260	1.827	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / /		/CAN	FAMILY XJFI				N/A	N/A	N/A	0.860)
(BLMC) JAGUAR - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
XJFI										
C XJ		FI /3WY/CLS/ /	/CAN	258-FI	A-3	4500	3.31	0.43	5.8	1.3	2.4
XJ		FI /EGR/PMP/OXD/	/CAN	326-FI	A-3	4500	3.31	0.73	4.9	1.4	4.8
C XJ		FI /EGR/PMP/OXD/	/CAN	326-FI	A-3	4500	3.31	0.35	4.8	1.1	4.3
(BLMC) TRIUMPH - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
RV8/50C / RV8/E1										
(215)										
TR	TR	EGR/PMP/OXD/ /	/CAN	215-2	A-3	3000	3.08	0.30	3.0	1.0	1.3 *
	TR	EGR/PMP/OXD/ /	/CAN	215-2	M-5	3000	3.08	0.38	5.0	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/ / /			FAMILY RV8/50C					1.000	2.500	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / /		/CAN	FAMILY RV8/E1					N/A	N/A	N/A	0.0)
RV8/50C/C / RV8/E1										
(215)										
C TR	C TR	EGR/PMP/OXD/ /	/CAN	215-2	A-3	3000	3.08	0.32	3.6	0.95	1.8 *
	C TR	EGR/PMP/OXD/ /	/CAN	215-2	M-5	3000	3.08	0.16	2.5	0.85	N/A
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/ / /			FAMILY RV8/50C/C					1.329	1.329	1.177	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / /		/CAN	FAMILY RV8/E1					N/A	N/A	N/A	0.0)
SL4/2/50C / SL4/2/E1										
(122)										
TR	TR	EGR/PMP/OXD/ /	/CAN	122-2	A-3	2750	3.27	0.95	15.	1.2	N/A
	TR	EGR/PMP/OXD/ /	/CAN	122-2	M-4	2750	3.64	0.60	5.9	1.5	N/A
	TR	EGR/PMP/OXD/ /	/CAN	122-2	M-5	2750	3.90	0.64	7.1	1.8	2.0 *
SL4/2/50C / SL4/2/E1										
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/ / /			FAMILY SL4/2/50C					1.456	1.180	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / /		/CAN	FAMILY SL4/2/E1					N/A	N/A	N/A	0.815)
SL4/2/50C/C / SL4/2/E1										
(122)										
C TR	C TR	EGR/PMP/OXD/ /	/CAN	122-2	M-4	2750	3.64	0.30	5.7	0.74	N/A
	C TR	EGR/PMP/OXD/ /	/CAN	122-2	M-5	2750	3.90	0.24	7.1	0.81	N/A
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/ / /			FAMILY SL4/2/50C/C					1.196	1.161	1.042	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / /		/CAN	FAMILY SL4/2/E1					N/A	N/A	N/A	0.815)
TC/50C / TC/E1										
(91)										
SPITFIRE	SPITFIRE	EGR/PMP/OXD/ /	/CAN	91-1	M-4	2250	3.89	0.44	2.0	0.98	1.1 *
MIDGET	MIDGET	EGR/PMP/OXD/ /	/CAN	91-1	M-4	2250	3.72	0.56	3.4	1.4	1.1 *
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/ / /			FAMILY TC/50C					1.363	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / /		/CAN	FAMILY TC/E1					N/A	N/A	N/A	0.316)
TC/50C/C / TC/E3										
(91)										
C SPITFIRE	C MIDGET	EGR/PMP/OXD/ /	/CAN	91-01	M-4	2250	3.72	0.13	0.90	0.85	1.0 *
C MIDGET	C SPITFIRE	EGR/PMP/OXD/ /	/CAN	91-01	M-4	2250	3.89	0.13	0.90	0.94	0.95 *
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/ / /			FAMILY TC/50C/C					1.000	1.002	1.075	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / /		/CAN	FAMILY TC/E3					N/A	N/A	N/A	0.316)
(BLMC) TRIUMPH - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
RV8/E1										
C TR		EGR/PMP/OXD/ /	/CAN	215-2	A-3	3000	3.08	0.32	3.6	0.95	1.8
TR		EGR/PMP/OXD/ /	/CAN	215-2	A-3	3000	3.08	0.30	3.0	1.0	1.3
SL4/2/E1										
TR		EGR/PMP/OXD/ /	/CAN	122-2	M-5	2750	3.90	0.64	7.1	1.8	2.0

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
(BLMC) TRIUMPH - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
TC/E1										
	SPITFIRE	EGR/PMP/OXD/ / /CAN	91-1	M-4	2250	3.89	0.46	2.0	0.98	1.1
	MIDGET	EGR/PMP/OXD/ / /CAN	91-1	M-4	2250	3.72	0.56	3.4	1.4	1.1
TC/E3										
	C MIDGET	EGR/PMP/OXD/ / /CAN	91-01	M-4	2250	3.72	0.13	0.90	0.85	1.0
	C SPITFIRE	EGR/PMP/OXD/ / /CAN	91-01	M-4	2250	3.89	0.13	0.90	0.94	0.95
CHECKER - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
GM910F1H / 9B1-1 (250)										
MARATHON/TAXICAB	MARATHON/TAXICAB	EGR/OXD/OTH/ / /CAN	250-1	A-3	4000	2.72	0.56	10.	1.4	1.8 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ / /	FAMILY GM910F1H				: 1.000	1.000	1.066	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B1-1				: N/A	N/A	N/A	0.0)
GM910F1SMU / 9R1-1 (250)										
C MARATHON/TAXICAB	C MARATHON/TAXICAB	EGR/PMP/OXD/OTR/ /CAN	250-1	A-3	4000	2.72	0.32	2.5	1.3	1.4 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/ /	FAMILY GM910F1SMU				: 1.471	1.078	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B1-1				: N/A	N/A	N/A	0.0)
GM910L4RU / 9B4-1 (350)										
C MARATHON/TAXICAB C MARATHON/TAXICAB-E	C MARATHON/TAXICAB	EGR/PMP/OXD/OTR/ /CAN	350-4	A-3	4500	2.72	0.25	3.8	0.85	1.9 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/ /	FAMILY GM910L4RU				: 1.060	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B4-1				: N/A	N/A	N/A	0.0)
910G2U / 9R3-1 0 (305)										
MARATHON/TAXICAB MARATHON/TAXICAB-E	MARATHON/TAXICAB	EGR/OXD/OTH/ / /CRK	305-2	A-3	4500	2.72	0.56	10.	1.6	1.9 *
910G2U / 9R3-1										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ / /	FAMILY 910G2U				: 1.036	1.000	1.109	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CRK	FAMILY 9R3-1			0	: N/A	N/A	N/A	0.0)
CHECKER - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
9R1-1										
	MARATHON/TAXICAB	EGR/OXD/OTH/ / /CAN	250-1	A-3	4000	2.72	0.56	10.	1.4	1.8
	C MARATHON/TAXICAB	EGR/PMP/OXD/OTR/ /CAN	250-1	A-3	4000	2.72	0.32	2.5	1.3	1.4
9R3-1 0										
	MARATHON/TAXICAB	EGR/OXD/OTH/ / /CRK	305-2	A-3	4500	2.72	0.56	10.	1.6	1.9
9R4-1										
	C MARATHON/TAXICAB	EGR/PMP/OXD/OTR/ /CAN	350-4	A-3	4500	2.72	0.25	3.8	0.85	1.9
CHRYSLER - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
9CD-225-1-UP / 9E-2/2 (225)										
C ASPEN C VOLARE C ASPEN WAGON C VOLARE WAGON C LEBARON C DIPLOMAT C LEBARON WAGON C DIPLOMAT WAGON	C ASPEN C ASPEN WAGON	EGR/PMP/OXD/ / /CAN	225-01	A-3	3500 4000	3.23 3.21	0.39 0.40	5.2 6.6	1.3 1.2	5.3 * 2.6 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9CD-225-1-UP				: 1.344	1.275	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-2/2				: N/A	N/A	N/A	0.312)
9CD-225-1-WP / 9E-2/4 (225)										
C VOLARE	C ASPEN	EGR/PMP/OXD/3WY/CLS/CAN	225-1	A-3	3500	3.23	0.22	3.9	1.2	2.3 *

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
CHRYSLER - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
9CD-225-1-WP / 9E-2/4 (CONT.)										
C ASPEN	VOLARE WAGON	EGR/PMP/OXD/3WY/CLS/CAN	225-1	A-3	4000	3.21	0.22	2.7	1.3	4.3 *
C ASPEN WAGON										
C LEBARON										
C DIPLOMAT										
C LEBARON WAGON										
C DIPLOMAT WAGON										
C VOLARE WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/3WY/CLS/	FAMILY 9CD-225-1-WP				: 1.000	1.714	1.271	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-2/4				: N/A	N/A	N/A	0.312)
9CD-318/360-4-GP / 9E-5/3										
(318,360)										
C ASPEN	C ASPEN WAGON	EGR/PMP/OXD/ / /CAN	318-04	L-3	4000	2.45	0.39	6.8	0.78	N/A
C VOLARE	C LEBARON WAGON	EGR/PMP/OXD/ / /CAN	318-04	L-3	4500	2.71	0.43	5.1	1.2	4.4 *
C ASPEN WAGON	C LEBARON	EGR/PMP/OXD/ / /CAN	360-04	L-3	4000	2.71	0.25	3.2	1.4	N/A
C VOLARE WAGON	C CORDOBA	EGR/PMP/OXD/ / /CAN	360-04	L-3	4500	2.71	0.26	2.2	1.5	N/A
C LEBARON										
C DIPLOMAT										
C LEBARON WAGON										
C DIPLOMAT WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9CD-318/360-4-GP				: 1.259	1.354	1.015	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-5/3				: N/A	N/A	N/A	1.255)
9CD-318/360-4-GP / 9E-8/3										
(318,360)										
C ST. REGIS	C ASPEN WAGON	EGR/PMP/OXD/ / /CAN	318-04	L-3	4000	2.45	0.39	6.8	0.78	N/A
C NEWPORT/NEW YORKER	C LEBARON WAGON	EGR/PMP/OXD/ / /CAN	318-04	L-3	4500	2.71	0.43	5.1	1.2	N/A
C CORDOBA	C CORDOBA	EGR/PMP/OXD/ / /CAN	360-04	L-3	4500	2.71	0.26	2.2	1.5	2.5 *
C MAGNUM	C LEBARON	EGR/PMP/OXD/ / /CAN	360-04	L-3	4000	2.71	0.25	3.2	1.4	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9CD-318/360-4-GP				: 1.259	1.354	1.015	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-8/3				: N/A	N/A	N/A	0.861)
9CD-360-4-QP / 9E-5/2										
(360)										
C ASPEN	C VOLARE	EGR/PMP/OXD/ / /CAN	360-04	A-3	4500	3.21	0.45	14.	0.93	4.3 *
C VOLARE	C LEBARON	EGR/PMP/OXD/ / /CAN	360-04	L-3	4000	2.71	0.34	6.9	1.1	N/A
9CD-360-4-QP / 9E-5/2										
C ASPEN WAGON	C DODGE	EGR/PMP/OXD/ / /CAN	360-04	L-3	4500	2.71	0.25	5.8	1.1	N/A
C VOLARE WAGON										
C LEBARON										
C DIPLOMAT										
C LEBARON WAGON										
C DIPLOMAT WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9CD-360-4-QP				: 1.012	1.024	1.167	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-5/2				: N/A	N/A	N/A	1.255)
9CD-360-4-QP / 9E-8/2										
(360)										
C ST. REGIS	C VOLARE	EGR/PMP/OXD/ / /CAN	360-04	A-3	4500	3.21	0.45	14.	0.93	N/A
C NEWPORT/NEW YORKER	C DODGE	EGR/PMP/OXD/ / /CAN	360-04	L-3	4500	2.71	0.25	5.8	1.1	2.9 *
C CORDOBA	C LEBARON	EGR/PMP/OXD/ / /CAN	360-04	L-3	4000	2.71	0.34	6.9	1.1	N/A
C MAGNUM										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9CD-360-4-QP				: 1.012	1.024	1.167	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-8/2				: N/A	N/A	N/A	0.861)
9CF-105-2-BP / 9E-1/2										
(105)										
C OMNI	C HORIZON	EGR/PMP/OXD/ / /CAN	105-02	A-3	2500	3.68	0.29	5.4	1.1	N/A
C HORIZON	C HORIZON	EGR/PMP/OXD/ / /CAN	105-02	A-3	2750	3.68	0.21	4.6	1.1	2.6 *
	C HORIZON	EGR/PMP/OXD/ / /CAN	105-02	A-3	2500	3.68	0.32	6.9	0.85	3.7 *
	C HORIZON	EGR/PMP/OXD/ / /CAN	105-02	M-4	2500	3.58	0.28	5.9	1.4	N/A
	C HORIZON	EGR/PMP/OXD/ / /CAN	105-02	M-4	2500	3.58	0.20	3.0	1.3	2.4 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9CF-105-2-BP				: 1.315	1.596	1.193	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-1/2				: N/A	N/A	N/A	0.0)
9FD-225-1-CA / 9E-2/1										
(225)										
ASPEN	VOLARE	EGR/PLS/OXD/ / /CAN	225-01	L-3	3500	2.76	0.78	13.	1.2	3.0 *
VOLARE	VOLARE	EGR/PLS/OXD/ / /CAN	225-01	M-3	3500	3.23	0.70	7.0	1.4	N/A
ASPEN WAGON	VOLARE	EGR/PLS/OXD/ / /CAN	225-01	M-3	3500	3.23	0.72	8.5	1.6	N/A
VOLARE WAGON	VOLARE	EGR/PLS/OXD/ / /CAN	225-01	M-4	3500	3.23	0.84	8.4	1.2	N/A
LEBARON	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	225-01	M-4	4000	3.21	1.1	1.[illegible]	1.8	2.7 *
DIPLOMAT										

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM / (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GMAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
CHRYSLER - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
9FD-225-1-CA / 9E-2/1 (CONT.) LEBARON WAGON DIPLOMAT WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FD-225-1-CA				: 1.000	1.000	1.021	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-2/1				: N/A	N/A	N/A	0.312)
9FD-225-2-CA / 9E-3/2 (225)										
VOLARE	VOLARE	EGR/PLS/OXD/ / /CAN	225-02	L-3	3500	2.76	0.64	8.9	2.0	4.0 *
ASPEN	DIPLOMAT	EGR/PLS/OXD/ / /CAN	225-02	L-3	3500	2.76	0.75	1[illegible]	1.1	N/A
LEBARON										
DIPLOMAT										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FD-225-2-CA				: 1.005	1.038	1.092	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-3/2				: N/A	N/A	N/A	0.624)
9FD-225-2-CP / 9E-3/1 (225)										
ASPEN WAGON	CHRYSLER	EGR/PMP/OXD/ / /CAN	225-02	L-3	4000	2.94	0.89	11.	1.4	3.4 *
VOLARE WAGON	VOLARE WAGON	EGR/PMP/OXD/ / /CAN	225-02	L-3	4000	2.94	0.94	14.	1.3	4.2 *
DIPLOMAT	LEBARON	EGR/PMP/OXD/ / /CAN	225-02	L-3	4000	2.94	1.0	12.	1.9	3.7 *
LEBARON										
DIPLOMAT WAGON										
LEBARON WAGON										
ST. REGIS										
NEWPORT/NEW YORKER										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9FD-225-2-CP				: 1.189	1.099	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-3/1				: N/A	N/A	N/A	0.624)
9FD-318-2-CA / 9E-3/4 (318)										
ASPEN	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.70	13.	1.9	N/A
VOLARE	LEBARON	EGR/PLS/OXD/ / /CAN	318-2	L-3	4000	2.45	0.49	5.4	1.6	3.1 *
ASPEN WAGON	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.63	7.2	2.0	N/A
VOLARE WAGON	ASPEN WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.71	0.78	9.4	1.6	N/A
LEBARON	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.55	8.3	1.9	N/A
DIPLOMAT	CORDOBA	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.71	0.66	11.	1.3	N/A
LEBARON WAGON										
9FD-318-2-CA / 9E-3/4 (CONT.) DIPLOMAT WAGON ST. REGIS NEWPORT/NEW YORKER CORDOBA MAGNUM										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FD-318-2-CA				: 1.099	1.000	1.095	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-3/4				: N/A	N/A	N/A	0.624)
9FD-318-2-CA / 9E-4/1 (318)										
ASPEN	ASPEN WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.71	0.78	9.4	1.6	N/A
VOLARE	CORDOBA	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.71	0.66	11.	1.3	3.0 *
ASPEN WAGON	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.63	7.2	2.0	3.3 *
VOLARE WAGON	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.70	13.	1.9	2.2 *
LEBARON	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.55	8.3	1.9	2.6 *
DIPLOMAT										
LEBARON WAGON										
DIPLOMAT WAGON										
ST. REGIS										
NEWPORT/NEW YORKER										
CORDOBA										
MAGNUM										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FD-318-2-CA				: 1.099	1.000	1.095	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-4/1				: N/A	N/A	N/A	0.624)
9FD-360-2-CA / 9E-6/1 (360)										
LEBARON	CORDOBA	EGR/PLS/OXD/ / /CAN	360-02	L-3	4500	2.71	0.62	14.	1.4	N/A
DIPLOMAT	CORDOBA	EGR/PLS/OXD/ / /CAN	360-02	L-3	4500	2.45	0.44	9.9	2.0	6.0 *
LEBARON WAGON	LEBARON	EGR/PLS/OXD/ / /CAN	360-02	L-3	4000	2.45	0.59	14.	1.5	N/A
DIPLOMAT WAGON	DIPLOMAT WAGON	EGR/PLS/OXD/ / /CAN	360-02	L-3	4500	2.71	0.46	9.4	1.8	3.6 *
ST. REGIS										
NEWPORT/NEW YORKER										
CORDOBA										
MAGNUM										

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS.	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
CHRYSLER - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
9FD-360-2-CA / 9E-6/1 (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FD-360-2-CA				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-6/1				: N/A	N/A	N/A	1.255)
9FD-360-4-DA / 9E-5/1										
(360)										
ASPEN	CORDOBA	EGR/PLS/OXD/ / /CAN	360-4	A-3	4500	3.21	0.61	12.	1.3	N/A
VOLARE	DODGE	EGR/PLS/OXD/ / /CAN	360-4	L-3	4500	2.71	0.38	6.4	1.4	N/A
ASPEN WAGON	LEBARON	EGR/PLS/OXD/ / /CAN	360-04	L-3	4000	2.71	0.49	8.2	1.3	4.3 *
VOLARE WAGON	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	360-04	L-3	4000	2.71	0.51	10.	0.86	3.7 *
LEBARON										
DIPLOMAT										
LEBARON WAGON										
DIPLOMAT WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FD-360-4-DA				: 1.053	1.028	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-5/1				: N/A	N/A	N/A	1.255)
9FD-360-4-DA / 9E-8/1										
(360)										
NEWPORT/NEW YORKER	CORDOBA	EGR/PLS/OXD/ / /CAN	360-4	A-3	4500	3.21	0.61	12.	1.3	3.0 *
CORDOBA	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	360-04	L-3	4000	2.71	0.51	10.	0.86	N/A
MAGNUM	LEBARON	EGR/PLS/OXD/ / /CAN	360-04	L-3	4000	2.71	0.49	8.2	1.3	N/A
ST. REGIS	DODGE	EGR/PLS/OXD/ / /CAN	360-4	L-3	4500	2.71	0.38	6.4	1.4	2.5 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FD-360-4-DA				: 1.053	1.028	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-8/1				: N/A	N/A	N/A	0.861)
9FF-105-2-KA / 9E-1/1										
(105)										
OMNI	OMNI	EGR/PLS/OXD/ / /CAN	105-02	A-3	2500	3.68	0.43	8.6	1.7	N/A
HORIZON	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	A-3	2750	3.68	0.46	10.	1.9	1.8 *
	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	A-3	2500	3.48	0.34	12.	1.5	2.9 *
	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	M-4	2500	3.37	0.47	12.	1.8	2.2 *
	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	M-4	2500	3.37	0.54	10.	1.5	2.5 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9FF-105-2-KA				: 1.317	1.062	1.124	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9E-1/1				: N/A	N/A	N/A	0.0)
CHRYSLER - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
9E-1/1										
	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	A-3	2500	3.48	0.34	12.	1.5	2.9
	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	A-3	2750	3.68	0.46	10.	1.9	1.8
	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	M-4	2500	3.37	0.58	10.	1.5	2.5
	HORIZON	EGR/PLS/OXD/ / /CAN	105-02	M-4	2500	3.37	0.47	12.	1.8	2.2
9E-1/2										
C	HORIZON	EGR/PMP/OXD/ / /CAN	105-02	A-3	2500	3.68	0.32	6.9	0.85	3.7
C	HORIZON	EGR/PMP/OXD/ / /CAN	105-02	A-3	2750	3.68	0.21	4.6	1.1	2.6
C	HORIZON	EGR/PMP/OXD/ / /CAN	105-02	M-4	2500	3.58	0.20	3.0	1.3	2.4
9E-2/1										
	VOLARE	EGR/PLS/OXD/ / /CAN	225-01	L-3	3500	2.76	0.78	13.	1.2	3.0
	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	225-01	M-4	4000	3.21	1.1	15.	1.6	2.7
9E-2/2										
C	ASPEN	EGR/PMP/OXD/ / /CAN	225-01	A-3	3500	3.23	0.39	5.2	1.3	5.3
C	ASPEN WAGON	EGR/PMP/OXD/ / /CAN	225-01	A-3	4000	3.21	0.40	6.6	1.2	2.6
9E-2/4										
C	ASPEN	EGR/PMP/OXD/3WY/CLS/CAN	225-1	A-3	3500	3.23	0.22	3.9	1.2	2.3
	VOLARE WAGON	EGR/PMP/OXD/3WY/CLS/CAN	225-1	A-3	4000	3.21	0.22	2.7	1.3	4.3
9E-3/1										
	CHRYSLER	EGR/PMP/OXD/ / /CAN	225-02	L-3	4000	2.94	0.89	11.	1.4	3.4
	LEBARON	EGR/PMP/OXD/ / /CAN	225-02	L-3	4000	2.94	1.0	12.	1.9	3.7
	VOLARE WAGON	EGR/PMP/OXD/ / /CAN	225-02	L-3	4000	2.94	0.94	10.	1.3	4.2
9E-3/2										
	VOLARE	EGR/PLS/OXD/ / /CAN	225-02	L-3	3500	2.76	0.64	8.9	2.0	4.0
9E-3/4										
	LEBARON	EGR/PLS/OXD/ / /CAN	318-2	L-3	4000	2.45	0.49	5.4	1.6	3.1
9E-4/1										
	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.70	11.	1.9	2.2
	CORDOBA	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.71	0.66	11.	1.3	3.0
	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.55	8.3	1.9	2.6
	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.45	0.63	7.2	2.0	3.3
9E-5/1										
	LEBARON	EGR/PLS/OXD/ / /CAN	360-04	L-3	4000	2.71	0.49	8.2	1.3	4.3
	VOLARE WAGON	EGR/PLS/OXD/ / /CAN	360-04	L-3	4000	2.71	0.51	10.	0.86	3.7

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
CHRYSLER - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
9F-5/2	C VOLARE	EGR/PMP/OXD/ / /CAN	360-04	A-3	4500	3.21	0.45	14.	0.93	4.3
9E-5/3	C LEBARON WAGON	EGR/PMP/OXD/ / /CAN	318-04	L-3	4500	2.71	0.43	5.1	1.2	4.4
9F-6/1	CORDOBA	EGR/PLS/OXD/ / /CAN	360-02	L-3	4500	2.45	0.46	9.9	2.0	6.0
	DIPLOMAT WAGON	EGR/PLS/OXD/ / /CAN	360-02	L-3	4500	2.71	0.46	9.4	1.8	3.6
9E-8/1	CORDOBA	EGR/PLS/OXD/ / /CAN	360-4	A-3	4500	3.21	0.61	12.	1.3	3.0
	DODGE	EGR/PLS/OXD/ / /CAN	360-4	L-3	4500	2.71	0.38	6.4	1.4	2.5
9E-8/2	C DODGE	EGR/PMP/OXD/ / /CAN	360-04	L-3	4500	2.71	0.25	5.8	1.1	2.9
9E-8/3	C CORDOBA	EGR/PMP/OXD/ / /CAN	360-04	L-3	4500	2.71	0.24	2.2	1.5	2.5
EXCALIBUR AUTOS - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
12R40 / 8BFV (454) EXCALIBUR	EXCALIBUR	EGR/PMP/ / / /CAN	454-4	A-3	4500	2.73	0.98	8.6	1.9	4.9 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY 12R40				: 1.100	1.100	1.100	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 8BFV				: N/A	N/A	N/A	0.0)
EXCALIBUR AUTOS - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
8BFV	EXCALIBUR	EGR/PMP/ / / /CAN	454-4	A-3	4500	2.73	0.98	8.6	1.9	4.9
FERRARI - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
F 106 AE / EVAP 2 (179) C FERRARI 308	FERRARI 308	PMP/OXD/OTH/ / /CAN	179-8	M-5	3500	3.70	0.74	5.1	1.3	4.2 *
(EXHAUST DETERIORATION FACTORS FOR -		PMP/OXD/OTH/ / /	FAMILY F 106 AE				: 1.900	1.700	1.200	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVAP 2				: N/A	N/A	N/A	0.0)
FERRARI - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
EVAP 2	FERRARI 308	PMP/OXD/OTH/ / /CAN	179-8	M-5	3500	3.70	0.74	5.1	1.3	4.2
FIAT - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
128 / EVAP 1C (79) 128	128	PMP/ / / / /CAN	79-02	M-4	2250	3.76	0.77	13.	1.4	N/A
(EXHAUST DETERIORATION FACTORS FOR -		PMP/ / / / /	FAMILY 128				: 1.089	1.061	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVAP 1C				: N/A	N/A	N/A	0.0)
128-CC1 / EVAP 1C (79) C 128	C 128	PMP/OXD/ / / /CAN	79-2	M-4	2250	3.76	0.18	4.9	0.99	3.4 *
(EXHAUST DETERIORATION FACTORS FOR -		PMP/OXD/ / / /	FAMILY 128-CC1				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVAP 1C				: N/A	N/A	N/A	0.0)
132-A / EV-2A (122)										
131 BRAVA	LANCIA BETA	EGR/PLS/OXD/ / /CAN	122-2	A-3	3000	4.07	0.34	9.6	1.3	N/A
131 BRAVA WAGON	131 BRAVA WAGON	EGR/PLS/OXD/ / /CAN	122-2	A-3	2750	3.58	0.51	12.	1.6	1.1 *
124 SPIDER	131 BRAVA	EGR/PLS/OXD/ / /CAN	122-2	M-5	2750	3.58	0.52	11.	1.3	1.2 *
	124 SPIDER	EGR/PLS/OXD/ / /CAN	122-2	M-5	2500	3.90	0.42	8.5	1.3	1.5 *

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
FIAT - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
132-A / EV-2A (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 132-A				: 1.014	1.025	1.016	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-2A				: N/A	N/A	N/A	0.037)
132-A / EV-3A										
(122)										
LANCIA BETA	131 BRAVA WAGON	EGR/PLS/OXD/ / /CAN	122-2	A-3	2750	3.58	0.51	12.	1.6	N/A
	LANCIA BETA	EGR/PLS/OXD/ / /CAN	122-2	A-3	3000	4.02	0.34	9.6	1.3	4.3 *
	131 BRAVA	EGR/PLS/OXD/ / /CAN	122-2	M-5	2750	3.58	0.52	11.	1.3	N/A
	124 SPIDER	EGR/PLS/OXD/ / /CAN	122-2	M-5	2500	3.90	0.42	8.5	1.3	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 132-A				: 1.014	1.025	1.016	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-3A				: N/A	N/A	N/A	0.037)
132-AC / EV-2AC										
(122)										
C 131 BRAVA	C LANCIA BETA	EGR/PMP/OXD/ / /CAN	122-2	A-3	3000	4.02	0.17	5.2	0.94	N/A
C 131 BRAVA WAGON	C 131 BRAVA WAGON	EGR/PMP/OXD/ / /CAN	122-2	A-3	2750	3.58	0.26	3.0	1.2	1.3 *
C 124 SPIDER	C 124 SPIDER	EGR/PMP/OXD/ / /CAN	122-2	M-5	2500	3.90	0.20	2.5	1.3	1.4 *
	C LANCIA BETA	EGR/PMP/OXD/ / /CAN	122-2	M-5	3000	4.21	0.20	3.2	1.1	N/A
	C 131 BRAVA	EGR/PMP/OXD/ / /CAN	122-2	M-5	2750	3.58	0.23	1.8	1.4	1.3 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 132-AC				: 1.025	1.067	1.010	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-2AC				: N/A	N/A	N/A	0.0)
132-AC / EV-3AC										
(122)										
C LANCIA BETA	C LANCIA BETA	EGR/PMP/OXD/ / /CAN	122-2	A-3	3000	4.02	0.17	5.2	0.94	N/A
	C 131 BRAVA WAGON	EGR/PMP/OXD/ / /CAN	122-2	A-3	2750	3.58	0.26	3.0	1.2	N/A
	C 124 SPIDER	EGR/PMP/OXD/ / /CAN	122-2	M-5	2500	3.90	0.20	2.5	1.3	N/A
	C 131 BRAVA	EGR/PMP/OXD/ / /CAN	122-2	M-5	2750	3.58	0.23	1.8	1.4	N/A
	C LANCIA BETA	EGR/PMP/OXD/ / /CAN	122-2	M-5	3000	4.21	0.20	3.2	1.1	4.1 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 132-AC				: 1.025	1.067	1.010	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-3AC				: N/A	N/A	N/A	0.0)
138-A / EV-1A										
(91)										
138 STRADA	X1/9	EGR/PLS/OXD/ / /CAN	91-2	M-5	2500	4.08	0.74	15.	1.4	2.5 *
X1/9	138 STRADA	EGR/PLS/OXD/ / /CAN	91-2	M-5	2250	3.59	0.65	15.	1.4	2.0 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 138-A				: 1.036	1.045	1.002	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-1A				: N/A	N/A	N/A	0.0)
138-AC / EV-1AC										
(91)										
C 138 STRADA	C X1/9	EGR/PMP/OXD/ / /CAN	91-2	M-5	2500	4.08	0.24	2.4	1.4	1.8 *
C X1/9	C 138 STRADA	EGR/PMP/OXD/ / /CAN	91-2	M-5	2250	3.59	0.24	2.7	1.1	0.77 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 138-AC				: 1.008	1.072	1.016	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-1AC				: N/A	N/A	N/A	0.0)
FIAT - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
EV-1A										
	X1/9	EGR/PLS/OXD/ / /CAN	91-2	M-5	2500	4.08	0.74	15.	1.4	2.5
	138 STRADA	EGR/PLS/OXD/ / /CAN	91-2	M-5	2250	3.59	0.65	15.	1.4	2.0
EV-1AC										
	C 138 STRADA	EGR/PMP/OXD/ / /CAN	91-2	M-5	2250	3.59	0.24	2.7	1.1	0.77
	C X1/9	EGR/PMP/OXD/ / /CAN	91-2	M-5	2500	4.08	0.24	2.4	1.4	1.8
EV-2A										
	131 BRAVA WAGON	EGR/PLS/OXD/ / /CAN	122-2	A-3	2750	3.58	0.51	12.	1.6	1.1
	124 SPIDER	EGR/PLS/OXD/ / /CAN	122-2	M-5	2500	3.90	0.42	8.5	1.3	1.5
	131 BRAVA	EGR/PLS/OXD/ / /CAN	122-2	M-5	2750	3.58	0.52	11.	1.3	1.2
EV-2AC										
	C 131 BRAVA WAGON	EGR/PMP/OXD/ / /CAN	122-2	A-3	2750	3.58	0.26	3.0	1.2	1.3
	C 124 SPIDER	EGR/PMP/OXD/ / /CAN	122-2	M-5	2500	3.90	0.20	2.5	1.3	1.4
	C 131 BRAVA	EGR/PMP/OXD/ / /CAN	122-2	M-5	2750	3.58	0.23	1.8	1.4	1.3
EV-3A										
	LANCIA BETA	EGR/PLS/OXD/ / /CAN	122-2	A-3	3000	4.02	0.34	9.6	1.3	4.3

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
FIAT - EVAP=EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
EV-3AC	C LANCIA BETA	EGR/PMP/OXD/ / /CAN	122-2	M-5	3000	4.21	0.20	3.2	1.1	4.1
EVAP 1C	C 128	PMP/OXD/ / / /CAN	79-2	M-4	2250	3.76	0.18	4.9	0.99	3.4
	128	PMP/ / / / /CAN	79-2	M-4	2250	3.76	0.73	11.	1.3	2.2
FORD - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
1.6G1X128 / CB										
(98)										
C FIESTA	C FIESTA	EGR/PMP/OXD/ / /CAN	98-2	M-4	2000	3.58	0.20	1.9	1.5	4.9 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 1.6G1X128				: 1.122	1.142	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY CB				: N/A	N/A	N/A	0.150)
1.6H1X89 / CA										
(98)										
FIESTA	FIESTA	EGR/PMP/OXD/ / /CAN	98-2	M-4	2000	3.58	0.65	3.8	1.8	3.2 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 1.6H1X89				: 1.914	1.462	1.060	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY CA				: N/A	N/A	N/A	0.150)
2.3A1X150 / BC										
(140)										
C MUSTANG	C MUSTANG	EGR/PMP/OXD/ / /CAN	140-02	A-3	3000	3.08	0.27	3.3	0.86	N/A
C CAPRI	C ZEPHYR	EGR/PMP/OXD/ / /CAN	140-02	A-3	3000	3.09	0.32	4.4	0.78	1.5 *
C FAIRMONT	C FAIRMONT	EGR/PMP/OXD/ / /CAN	140-02	M-4	3000	3.08	0.52	3.6	1.2	N/A
C FAIRMONT WAGON	C FAIRMONT	EGR/PMP/OXD/ / /CAN	140-02	M-4	3000	3.08	0.47	4.1	1.1	N/A
C ZEPHYR										
C ZEPHYR WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 2.3A1X150				: 1.530	1.288	1.161	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY BC				: N/A	N/A	N/A	0.0)
2.3A1X92 / BA										
(140)										
PINTO	MUSTANG	EGR/OXD/ / / /CAN	140-02	M-3	3000	3.08	0.61	1..	1.7	3.6 *
PINTO WAGON	MUSTANG	EGR/PMP/OXD/ / /CAN	140-02	M-4	3000	3.08	1.4	6.5	1.8	N/A
BOBCAT	PINTO WAGON	EGR/PMP/OXD/ / /CAN	140-02	M-4	3000	3.08	0.68	2.2	2.0	N/A
BOBCAT WAGON	BOBCAT	EGR/PMP/OXD/ / /CAN	140-02	M-4	2750	2.73	0.66	2..	1.9	1.1 *
MUSTANG	ZEPHYR	EGR/PMP/OXD/ / /CAN	140-02	M-4	3000	3.08	1.3	6.3	1.8	N/A
CAPRI										
FAIRMONT										
FAIRMONT WAGON										
ZEPHYR										
ZEPHYR WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 2.3A1X92				: 1.034	1.000	1.000	N/A)
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 2.3A1X92				: 1.198	1.004	1.026	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY BA				: N/A	N/A	N/A	0.0)
2.3B1TR80XR80 / BB										
(140)										
C PINTO	C PINTO WAGON	EGR/PMP/3WY/CLS/ /CAN	140-02	A-3	3000	3.08	0.13	2.2	1.5	2.1 *
C PINTO WAGON	C PINTO	EGR/PMP/3WY/CLS/ /CAN	140-02	A-3	2750	3.08	0.13	1.4	1.3	0.96 *
C BOBCAT	C BOBCAT WAGON	EGR/PMP/3WY/CLS/ /CAN	140-02	M-4	3000	3.08	0.39	3.4	1.1	N/A
C BOBCAT WAGON	C PINTO	EGR/PMP/3WY/CLS/ /CAN	140-02	M-4	2750	2.73	0.32	3.6	0.86	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/3WY/CLS/ /	FAMILY 2.3B1TR80XR80				: 1.060	1.149	1.134	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY BB				: N/A	N/A	N/A	0.0)
2.3H1XR150 / BF										
(140)										
C MUSTANG	C FAIRMONT	EGR/PMP/OXD/ / /CAN	140-2	M-4	3000	3.08	0.25	3.2	0.94	N/A
C CAPRI	C FAIRMONT	EGR/PMP/OXD/ / /CAN	140-2	M-4	3000	3.08	0.21	3.1	0.94	1.4 *
C FAIRMONT										
C FAIRMONT WAGON										
C ZEPHYR										
C ZEPHYR WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 2.3B1XR150				: 1.128	1.132	1.158	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY BF				: N/A	N/A	N/A	0.0)
2.3F1TT42+1TT92 / BD										
(140)										
C MUSTANG	C MUSTANG	EGR/PMP/3WY/CLS/ /CAN	140-2	M-4	3000	3.45	0.39	1.1	1.3	1.6 *

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
FORD - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
2.3TF1TT42+1TT92 / BD (CONT.)										
C CAPRI										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/3WY/CLS/ /			FAMILY 2.3TF1TT42+1TT92		: 1.305	1.236	1.136	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY BD		: N/A	N/A	N/A	0.0)
2.3TF1X92 / BE										
(140)										
MUSTANG	MUSTANG	EGR/PMP/OXD/ / /CAN	140-2	M-4	3000	3.45	1.3	15.	1.M	2.0 *
CAPRI										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /			FAMILY 2.3TF1X92		: 1.000	1.360	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY BE		: N/A	N/A	N/A	0.0)
2.8RV1X150 / ED										
(171)										
C PINTO	C MUSTANG	EGR/PMP/OXD/ / /CAN	171-2	A-3	3000	3.08	0.37	5.8	1.3	N/A
C PINTO WAGON	C PINTO WAGON	EGR/PMP/OXD/ / /CAN	171-2	A-3	3000	3.08	0.45	7.4	0.75	2.7 *
C BOBCAT										
C BOBCAT WAGON										
C MUSTANG										
C CAPRI										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /			FAMILY 2.8RV1X150		: 1.000	1.027	1.023	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY ED		: N/A	N/A	N/A	0.988)
2.8B1X92 / DA										
(171)										
PINTO	MUSTANG	EGR/PMP/OXD/ / /CAN	171-2	A-3	3000	3.08	1.1	8.3	1.4	N/A
PINTO WAGON	PINTO WAGON	EGR/PMP/OXD/ / /CAN	171-2	A-3	3000	3.08	1.1	8.3	1.M	2.4 *
BOBCAT	MUSTANG	EGR/PMP/OXD/ / /CAN	171-2	M-4	3000	3.45	0.97	7.4	1.6	2.7 *
BOBCAT WAGON										
MUSTANG										
CAPRI										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /			FAMILY 2.8B1X92		: 1.695	1.284	1.124	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY DA		: N/A	N/A	N/A	0.868)
3.3A1X92 / GA										
(200)										
FAIRMONT	FAIRMONT	EGR/PMP/OXD/ / /CAN	200-1	M-4	3000	3.08	1.1	5.2	1.8	N/A
FAIRMONT WAGON	FAIRMONT WAGON	EGR/PMP/OXD/ / /CAN	200-1	M-4	3500	3.08	0.93	4.3	2.0	2.0 *
ZEPHYR										
ZEPHYR WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /			FAMILY 3.3A1X92		: 1.524	1.372	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY GA		: N/A	N/A	N/A	0.317)
3.3B1X150 / AB										
(200)										
FAIRMONT	FAIRMONT	EGR/PMP/OXD/ / /CAN	200-01	A-3	3000	2.73	0.53	4.8	1.9	N/A
FAIRMONT WAGON	ZEPHYR	EGR/PMP/OXD/ / /CAN	200-01	A-3	3000	2.73	0.75	8.3	1.7	N/A
ZEPHYR	FAIRMONT WAGON	EGR/PMP/OXD/ / /CAN	200-01	A-3	3500	2.73	0.66	13.	1.3	1.8 *
ZEPHYR WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /			FAMILY 3.3B1X150		: 1.347	1.415	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY AB		: N/A	N/A	N/A	0.0)
3.3B1X92 / AA										
(200)										
FAIRMONT	FAIRMONT	EGR/PLS/OXD/ / /CAN	200-01	A-3	3000	2.73	0.45	8.9	1.4	N/A
FAIRMONT WAGON	ZEPHYR WAGON	EGR/PLS/OXD/ / /CAN	200-01	A-3	3500	2.73	0.44	8.9	1.3	N/A
ZEPHYR	CAPRI	EGR/PLS/OXD/ / /CAN	200-1	A-3	3000	2.73	0.38	4.4	1.3	1.2 *
ZEPHYR WAGON	FAIRMONT	EGR/PLS/OXD/ / /CAN	200-01	A-3	3000	2.73	0.46	6.3	1.5	1.1 *
MUSTANG										
CAPRI										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /			FAMILY 3.3B1X92		: 1.144	1.152	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY AA		: N/A	N/A	N/A	0.0)
4.1A1X150 / GC										
(250)										
C GRANADA	C GRANADA	EGR/PMP/OXD/ / /CAN	250-1	A-3	3500	2.79	0.38	2.6	1.3	1.6 *
C MONARCH										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /			FAMILY 4.1A1X150		: 1.273	1.086	1.043	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN			FAMILY GC		: N/A	N/A	N/A	0.317)

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
FORD - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
4.1A1X92 / GB (250)										
GRANADA	GRANADA	EGR/PMP/OXD/ / /CAN	250-1	A-3	3500	2.79	0.57	7.6	2.0	2.7 *
MONARCH	GRANADA	EGR/PMP/OXD/ / /CAN	250-1	M-4	3500	3.00	1.2	12.	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 4.1A1X92				: 1.453	1.442	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY GB				: N/A	N/A	N/A	0.317)
4.1A1X92 / GD (250)										
GRANADA	GRANADA	EGR/OXD/ / / /CAN	250-1	A-3	3500	2.79	1.0	6.5	1.4	2.8 *
MONARCH										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4.1A1X92				: 2.105	1.212	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY GD				: N/A	N/A	N/A	0.317)
5.0AV1X150 / EC (302)										
C GRANADA	C FAIRMONT WAGON	EGR/PMP/OXD/ / /CAN	302-2	A-3	3500	2.73	0.34	1.6	1.5	N/A
C MONARCH	C MUSTANG	EGR/PMP/OXD/ / /CAN	302-2	A-3	3500	2.47	0.47	3.5	0.86	2.7 *
C FAIRMONT	C GRANADA	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.79	0.33	1.2	0.96	2.7 *
C FAIRMONT WAGON										
C ZEPHYR										
C ZEPHYR WAGON										
C MUSTANG										
C CAPRI										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.0AV1X150				: 1.212	1.305	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EC				: N/A	N/A	N/A	0.988)
5.0AV1X178 / ER (302)										
C VERSAILLES	C VERSAILLES	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.50	0.34	1.6	1.2	3.7 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.0AV1X178				: 1.182	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY ER				: N/A	N/A	N/A	0.988)
5.0AV2X124 / KA (302)										
LTD	LTD	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.26	0.71	8.2	0.85	N/A
MARQUIS	LTD WAGON	EGR/PMP/OXD/ / /CAN	302-2	A-3	4500	2.73	0.70	6.3	1.5	3.8 *
LTD WAGON	C LTD	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.26	0.43	1.5	1.2	3.8 *
MARQUIS WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.0AV2X124				: 1.401	1.000	1.004	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY KA				: N/A	N/A	N/A	1.703)
5.0A1X89 / FA (302)										
MUSTANG	FAIRMONT WAGON	EGR/PMP/OXD/ / /CAN	302-2	A-3	3500	2.26	0.63	8.8	1.0	N/A
CAPRI	MUSTANG	EGR/PMP/OXD/ / /CAN	302-2	A-3	3500	2.47	0.62	5.0	1.6	2.1 *
FAIRMONT	GRANADA	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.79	0.70	7.4	1.6	N/A
FAIRMONT WAGON	GRANADA	EGR/PMP/OXD/ / /CAN	302-2	M-4	4000	3.00	0.62	6.1	1.6	2.2 *
ZEPHYR										
ZEPHYR WAGON										
GRANADA										
MONARCH										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.0A1X89				: 1.167	1.571	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY FA				: N/A	N/A	N/A	0.868)
5.0AV1X128 / EA (302)										
VERSAILLES	C VERSAILLES	EGR/PMP/OXD/CLS/ /CAN	302-2	A-3	4000	2.50	0.43	1.2	1.2	N/A
	VERSAILLES	EGR/PMP/OXD/CLS/ /CAN	302-2	A-3	4000	2.75	1.0	4.1	1.7	2.9 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/CLS/ /	FAMILY 5.0AV1X128				: 1.805	1.040	1.009	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EA				: N/A	N/A	N/A	0.988)
5.0C2X124 / LA (302)										
LTD II	THUNDERBIRD	EGR/PMP/OXD/ / /CAN	302-2	A-3	4500	2.75	0.51	7.0	1.9	1.2 *
COUGAR	RANCHERO	EGR/PMP/OXD/ / /CAN	302-2	A-3	4500	2.75	0.47	6.8	1.4	2.0 *
THUNDERBIRD										
RANCHERO										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.0C2X124				: 1.158	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY LA				: N/A	N/A	N/A	0.0)

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
EORD = FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
5.8MB2X150 / LB (400)										
LTD II THUNDERBIRD COUGAR RANCHERO LINCOLN CONT. CONT. MARK V	*LINCOLN CONT.	EGR/PMP/OXD/ / /CAN	400-2	A-3	5000	3.00	0.88	10.	1.9	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.8MB2X150				: 1.426	1.656	1.063	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /CAN	FAMILY LB				: N/A	N/A	N/A	0.0)
5.8MB2X150 / TNC (400)										
C CONT. MARK V C LINCOLN CONT.	C CONT. MARK V	EGR/PMP/OXD/ / /CAN	400-2	A-3	5000	2.75	0.41	8.3	1.2	2.2 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.8MB2X150				: 1.426	1.656	1.063	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /CAN	FAMILY TNC				: N/A	N/A	N/A	0.0)
5.8MD2X124 / TND (351,400)										
RANCHERO	THUNDERBIRD	EGR/PMP/OXD/ / /CAN	351-2	A-3	4500	2.50	0.50	7.5	1.4	2.5 *
LTD II	C RANCHERO	EGR/PMP/OXD/ / /CAN	351-2	A-3	4500	2.50	0.24	3.6	0.98	2.0 *
COUGAR	LINCOLN CONT.	EGR/PMP/OXD/ / /CAN	400-2	A-3	5000	2.50	0.65	13.	1.6	N/A
THUNDERBIRD	LINCOLN CONT.	EGR/PMP/OXD/ / /CAN	400-2	A-3	5000	2.75	0.45	9.7	1.5	N/A
C RANCHERO C LTD II C COUGAR C THUNDERBIRD CONT. MARK V LINCOLN CONT.										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.8MD2X124				: 1.378	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /CAN	FAMILY TND				: N/A	N/A	N/A	0.0)
5.8WBV2TT95X95 / PA (351)										
MARQUIS	C MARQUIS WAGON	EGR/PMP/OXD/3WY/CLS/CAN	351-2	A-3	4500	3.00	0.22	2.1	1.7	0.94 *
MARQUIS WAGON	MARQUIS WAGON	EGR/PMP/OXD/3WY/CLS/CAN	351-2	A-3	4500	2.75	0.25	2.1	2.0	N/A
C MARQUIS	MARQUIS	EGR/PMP/OXD/3WY/CLS/CAN	351-2	A-3	4500	2.26	0.19	1.9	1.8	1.6 *
C MARQUIS WAGON	MARQUIS	EGR/PMP/OXD/3WY/CLS/CAN	351-2	A-3	4500	3.00	0.22	2.1	1.6	N/A
C LTD LTD LTD WAGON C LTD WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/3WY/CLS/	FAMILY 5.8WBV2TT95X95				: 1.000	1.157	1.049	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /CAN	FAMILY PA				: N/A	N/A	N/A	0.0)
5.8WD2XR124 / TNA (351)										
THUNDERBIRD	LTD WAGON	EGR/PMP/OXD/ / /CAN	351-2	A-3	4500	3.00	1.1	7.9	1.4	N/A
COUGAR	THUNDERBIRD	EGR/PMP/OXD/ / /CAN	351-2	A-3	4500	2.50	1.2	12.	1.4	4.6 *
LTD LTD WAGON MARQUIS MARQUIS WAGON LTD II RANCHERO										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 5.8WD2XR124				: 1.714	1.015	1.002	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /CAN	FAMILY TNA				: N/A	N/A	N/A	0.0)
EORD = EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
AA										
	CAPRI	EGR/PLS/OXD/ / /CAN	200-1	A-3	3000	2.73	0.38	4.4	1.3	1.2
	FAIRMONT	EGR/PLS/OXD/ / /CAN	200-01	A-3	3000	2.73	0.46	6.3	1.5	1.1
AR										
	FAIRMONT WAGON	EGR/PMP/OXD/ / /CAN	200-01	A-3	3500	2.73	0.66	13.	1.3	1.8
BA										
	MUSTANG	EGR/OXD/ / / /CAN	140-02	A-3	3000	3.08	0.61	14.	1.7	3.6
	BOBCAT	EGR/PMP/OXD/ / /CAN	140-02	M-4	2750	2.73	0.66	2.4	1.9	1.1

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
EOBD-=-EVAP=EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
BR										
	C PINTO WAGON	EGR/PMP/3WY/CLS/ /CAN	140-02	A-3	3000	3.08	0.13	2.2	1.5	2.1
	C PINTO	EGR/PMP/3WY/CLS/ /CAN	140-02	A-3	2750	3.08	0.13	1.4	1.3	0.96
BC										
	C ZEPHYR	EGR/PMP/OXD/ / /CAN	140-02	A-3	3000	3.08	0.32	4.4	0.79	1.5
BD										
	C MUSTANG	EGR/PMP/3WY/CLS/ /CAN	140-2	M-4	3000	3.45	0.34	1.1	1.3	1.6
BF										
	MUSTANG	EGR/PMP/OXD/ / /CAN	140-2	M-4	3000	3.45	1.3	1.[illegible]	1.8	2.0
BF										
	C FAIRMONT	EGR/PMP/OXD/ / /CAN	140-2	M-4	3000	3.08	0.21	3.1	0.94	1.4
CA										
	FIESTA	EGR/PMP/OXD/ / /CAN	98-2	M-4	2000	3.58	0.65	3.8	1.8	3.2
CR										
	C FIESTA	EGR/PMP/OXD/ / /CAN	98-2	M-4	2000	3.58	0.20	1.9	1.5	4.9
DA										
	PINTO WAGON	EGR/PMP/OXD/ / /CAN	171-2	A-3	3000	3.08	1.1	8.3	1.8	2.4
	MUSTANG	EGR/PMP/OXD/ / /CAN	171-2	M-4	3000	3.45	0.97	7.4	1.6	2.7
EA										
	VERSAILLES	EGR/PMP/OXD/CLS/ /CAN	302-2	A-3	4000	2.75	1.0	4.1	1.7	2.9
ER										
	C VERSAILLES	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.50	0.34	1.6	1.2	3.7
EC										
	C GRANADA	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.79	0.33	1.2	0.96	2.7
	C MUSTANG	EGR/PMP/OXD/ / /CAN	302-2	A-3	3500	2.47	0.47	3.5	0.86	2.7
ED										
	C PINTO WAGON	EGR/PMP/OXD/ / /CAN	171-2	A-3	3000	3.08	0.45	7.4	0.75	2.7
FA										
	MUSTANG	EGR/PMP/OXD/ / /CAN	302-2	A-3	3500	2.47	0.62	5.0	1.8	2.1
	GRANADA	EGR/PMP/OXD/ / /CAN	302-2	M-4	4000	3.00	0.62	6.1	1.8	2.2
GA										
	FAIRMONT WAGON	EGR/PMP/OXD/ / /CAN	200-1	M-4	3500	3.08	0.93	4.3	2.0	2.0
GR										
	GRANADA	EGR/PMP/OXD/ / /CAN	250-1	A-3	3500	2.79	0.57	7.6	2.0	2.7
GC										
	C GRANADA	EGR/PMP/OXD/ / /CAN	250-1	A-3	3500	2.79	0.38	2.6	1.3	1.6
GD										
	GRANADA	EGR/OXD/ / / /CAN	250-1	A-3	3500	2.79	1.0	6.5	1.4	2.8
KA										
	C LTD	EGR/PMP/OXD/ / /CAN	302-2	A-3	4000	2.26	0.43	1.5	1.2	3.8
	LTD WAGON	EGR/PMP/OXD/ / /CAN	302-2	A-3	4500	2.73	0.70	6.3	1.5	3.8
LA										
	RANCHERO	EGR/PMP/OXD/ / /CAN	302-2	A-3	4500	2.75	0.47	6.8	1.4	2.0
	THUNDERBIRD	EGR/PMP/OXD/ / /CAN	302-2	A-3	4500	2.75	0.51	7.0	1.9	1.2
LR										
	*LINCOLN CONT.	EGR/PMP/OXD/ / /CAN	400-2	A-3	5000	3.00	0.44	7.9	2.0	1.7
PA										
	MARQUIS	EGR/PMP/OXD/3WY/CLS/CAN	351-2	A-3	4500	2.26	0.19	1.9	1.8	1.6
	C MARQUIS WAGON	EGR/PMP/OXD/3WY/CLS/CAN	351-2	A-3	4500	3.00	0.22	2.1	1.7	0.94
TNA										
	THUNDERBIRD	EGR/PMP/OXD/ / /CAN	351-2	A-3	4500	2.50	1.2	12.	1.4	4.6
TNC										
	C CONT. MARK V	EGR/PMP/OXD/ / /CAN	400-2	A-3	5000	2.75	0.41	8.3	1.2	2.2
TND										
	THUNDERBIRD	EGR/PMP/OXD/ / /CAN	351-2	A-3	4500	2.50	0.50	7.5	1.4	2.5
	C RANCHERO	EGR/PMP/OXD/ / /CAN	351-2	A-3	4500	2.50	0.26	3.6	0.96	2.0

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS	
FUJI HEAVY IND. - FAMILY COMBINATIONS CERTIFIED:											
ENGINE FAMILY TEST VEHICLES											
8U / GU (97)											
SUBARU	SUBARU	EGR/PLS/OTR/ / /CAN	97-02	A-3	2500	3.81	1.2	12.	1.8	1.7	*
SUBARU WAGON	SUBARU 4WD WAGON	EGR/PLS/OTR/ / /CAN	97-02	M-4	2500	3.89	1.2	11.	1.7	N/A	
SUBARU 4WD WAGON	SUBARU	EGR/PLS/OTR/ / /CAN	97-02	M-5	2250	3.78	1.3	12.	2.0	N/A	
BRAT	SUBARU	EGR/PLS/OTR/ / /CAN	97-02	M-5	2250	3.89	1.3	8.0	1.5	N/A	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OTR/ / /	FAMILY 8U				: 1.000	1.000	1.000	N/A	)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY GU				: N/A	N/A	N/A	0.0	)
DU / GU (97)											
C SUBARU	C SUBARU	EGR/PLS/OTR/ / /CAN	97-02	A-3	2500	3.81	0.28	6.6	1.3	N/A	
C SUBARU WAGON	C SUBARU 4WD WAGON	EGR/PLS/OTR/ / /CAN	97-02	M-4	2500	3.89	0.21	5.6	1.1	2.5	*
C SUBARU 4WD WAGON	C SUBARU	EGR/PLS/OTR/ / /CAN	97-02	M-5	2250	3.89	0.18	5.3	0.99	N/A	
C BRAT											
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OTR/ / /	FAMILY DU				: 1.000	1.000	1.000	N/A	)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY GU				: N/A	N/A	N/A	0.0	)
FUJI HEAVY IND. - EVAP-EMISSION FAMILIES:											
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES											
GU											
	SUBARU	EGR/PLS/OTR/ / /CAN	97-02	A-3	2500	3.81	1.2	12.	1.8	1.7	
C	SUBARU 4WD WAGON	EGR/PLS/OTR/ / /CAN	97-02	M-4	2500	3.89	0.21	5.6	1.1	2.5	
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:											
ENGINE FAMILY TEST VEHICLES											
910A2F / 9B3-1 (200)											
MALIBU	MALIBU WAGON	EGR/OXD/OTR/ / /CAN	200-2	A-3	3500	2.73	0.41	5.9	1.7	N/A	
MALIBU WAGON	MALIBU	EGR/OXD/OTR/ / /CAN	200-2	A-3	3500	2.73	0.34	5.5	2.0	1.9	*
EL CAMINO	EL CAMINO	EGR/OXD/OTR/ / /CAN	200-2	M-3	3500	2.73	0.54	6.5	1.5	N/A	
CABALLERO											
MONTE CARLO											
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTR/ / /	FAMILY 910A2F				: 1.079	1.000	1.045	N/A	)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B3-1				: N/A	N/A	N/A	0.0	)
910F1H / 9B1-1 (250)											
NOVA	NOVA	EGR/OXD/OTR/ / /CAN	250-1	A-3	3500	2.56	0.30	2.4	2.0	N/A	
CAMARO	NOVA	EGR/OXD/OTR/ / /CAN	250-1	A-3	4000	2.56	0.55	9.8	1.9	2.3	*
IMPALA/CAPRICE	IMPALA/CAPRICE	EGR/OXD/OTR/ / /CAN	250-1	A-3	4000	2.56	0.44	12.	1.7	2.2	*
	CAMARO	EGR/OXD/OTR/ / /CAN	250-1	M-3	4000	2.56	0.74	12.	1.5	N/A	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTR/ / /	FAMILY 910F1H				: 1.000	1.000	1.066	N/A	)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B1-1				: N/A	N/A	N/A	0.0	)
910F1SMU / 9B1-1 (250)											
C NOVA	C NOVA	EGR/PMP/OXD/OTR/ /CAN	250-1	A-3	4000	2.73	0.46	5.0	1.1	N/A	
C IMPALA/CAPRICE	C CAMARO	EGR/PMP/OXD/OTR/ /CAN	250-1	A-3	4000	2.73	0.34	3.3	0.92	2.8	*
C CAMARO	C IMPALA/CAPRICE	EGR/PMP/OXD/OTR/ /CAN	250-1	A-3	4000	2.73	0.35	2.9	0.89	N/A	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/ /	FAMILY 910F1SMU				: 1.471	1.078	1.000	N/A	)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B1-1				: N/A	N/A	N/A	0.0	)
910G2U / 9B3-1 (267,305)											
MALIBU	MONTE CARLO	EGR/OXD/OTR/ / /CAN	267-2	A-3	3500	2.29	0.57	8.2	2.0	N/A	
MALIBU WAGON	MALIBU WAGON	EGR/OXD/OTR/ / /CAN	267-2	A-3	4000	2.56	0.64	12.	1.8	1.9	*
MONTE CARLO	EL CAMINO	EGR/OXD/OTR/ / /CAN	267-02	M-4	4000	3.08	0.95	12.	2.0	1.6	*
EL CAMINO	IMPALA/CAPRICE	EGR/OXD/OTR/ / /CAN	305-2	A-3	4000	2.41	0.41	8.4	1.7	N/A	
CABALLERO	IMPALA/CAPRICE WAG	EGR/OXD/OTR/ / /CAN	305-2	A-3	4500	2.56	0.54	8.8	1.6	1.2	*
IMPALA/CAPRICE	MONZA	EGR/OXD/OTR/ / /CAN	305-02	M-4	3500	3.08	0.57	5.9	1.8	N/A	
IMPALA/CAPRICE WAG											
CAMARO											
NOVA											
PHOENIX											
OMEGA											
SKYLARK											
MONZA											
SUN-IRD											

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM / (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
910G2U / 983-1 (CONT.)										
STARFIRE										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/	/	/CAN	FAMILY 910G2U		: 1.036	1.000	1.109	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/	/CAN	FAMILY 983-1		: N/A	N/A	N/A	0.0)
910L4 / 984-1										
(305,350)										
MALIBU	MONTE CARLO	EGR/OXD/OTH/	/	/CAN	305-4	A-3	3500	2.29	0.49	5.3	1.8	1.4 *
CUTLASS SALON	CUTLASS SALON	EGR/OXD/OTH/	/	/CAN	305-4	A-3	3500	2.73	0.44	7.0	1.5	N/A
MONTE CARLO	MALIBU WAGON	EGR/OXD/OTH/	/	/CAN	305-4	M-4	4000	3.08	0.66	8.4	1.5	N/A
CUTLASS SUPREME	IMPALA/CAPRICE	EGR/OXD/OTH/	/	/CAN	350-4	A-3	4000	2.41	0.57	8.1	1.6	2.2 *
EL CAMINO	IMPALA/CAPRICE WAG	EGR/OXD/OTH/	/	/CAN	350-4	A-3	4500	2.56	0.62	9.4	1.5	N/A
CABALLERO	CAMARO	EGR/OXD/OTH/	/	/CAN	350-4	M-4	4000	3.73	0.75	8.6	1.8	2.0 *
MALIBU WAGON												
CUTLASS WAGON												
IMPALA/CAPRICE												
NOVA												
IMPALA/CAPRICE WAG												
CAMARO												
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/	/	/	FAMILY 910L4		: 1.115	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/	/CAN	FAMILY 984-1		: N/A	N/A	N/A	0.0)
910L4 / 984L-1										
(305,350)										
CORVETTE	MONTE CARLO	EGR/OXD/OTH/	/	/CAN	305-4	A-3	3500	2.29	0.49	5.3	1.8	N/A
	CUTLASS SALON	EGR/OXD/OTH/	/	/CAN	305-4	A-3	3500	2.73	0.44	7.0	1.5	N/A
	MALIBU WAGON	EGR/OXD/OTH/	/	/CAN	305-4	M-4	4000	3.08	0.66	8.4	1.5	N/A
	IMPALA/CAPRICE	EGR/OXD/OTH/	/	/CAN	350-4	A-3	4000	2.41	0.57	8.1	1.6	N/A
	IMPALA/CAPRICE WAG	EGR/OXD/OTH/	/	/CAN	350-4	A-3	4500	2.56	0.62	9.4	1.5	N/A
	CAMARO	EGR/OXD/OTH/	/	/CAN	350-4	M-4	4000	3.73	0.75	8.6	1.8	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/	/	/	FAMILY 910L4		: 1.115	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/	/CAN	FAMILY 984L-1		: N/A	N/A	N/A	0.0)
910L4HU / 984-1										
(305,350)										
C MALIBU	C MONTE CARLO	EGR/PMP/OXD/OTR/	/	/CAN	305-4	A-3	3500	2.29	0.24	2.1	1.5	N/A
C LEMANS/GRAND AM	*CENTURY	EGR/PMP/OXD/OTR/	/	/CAN	305-4	A-3	3500	2.73	0.40	3.7	1.4	N/A
C CUTLASS SALON	CORVETTE	EGR/PMP/OXD/OTR/	/	/CAN	350-4	A-3	4000	3.55	0.50	1.9	1.5	N/A
C CENTURY	C IMPALA/CAPRICE WAG	EGR/PMP/OXD/OTR/	/	/CAN	350-4	A-3	4500	2.56	0.24	4.0	1.1	2.0 *
C MONTE CARLO	C CORVETTE	EGR/PMP/OXD/OTR/	/	/CAN	350-4	A-3	4000	3.55	0.18	0.75	1.5	N/A
C GRAND PRIX	CORVETTE	EGR/PMP/OXD/OTR/	/	/CAN	350-4	M-4	4000	3.70	0.53	2.4	1.7	N/A
C CUTLASS SUPREME												
C REGAL												
C MALIBU WAGON												
C LEMANS SAFARI WG												
C CUTLASS WAGON												
C CENTURY WAGON												
C EL CAMINO												
C CABALLERO												
MALIBU												
LEMANS/GRAND AM												
CUTLASS SALON												
CENTURY												
MONTE CARLO												
GRAND PRIX												
CUTLASS SUPREME												
REGAL												
C IMPALA/CAPRICE												
C NOVA												
C PHOENIX												
C OMEGA												
C SKYLARK												
C IMPALA/CAPRICE WAG												
C CAMARO												
IMPALA/CAPRICE												
IMPALA/CAPRICE WAG												
MALIBU WAGON												
LEMANS SAFARI WG												
CUTLASS WAGON												
CENTURY WAGON												
EL CAMINO												
CABALLERO												
NOVA												
PHOENIX												
OMEGA												
SKYLARK												

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS CLASS	INERTIA WEIGHT (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
910L4RU / 984-1 (CONT.)										
CAMARO										
FIREBIRD										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY 910L4RU			1.060	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 984-1			N/A	N/A	N/A	0.0)
910L4RU / 984L-1										
(305,350)										
C CORVETTE	C MONTE CARLO	EGR/PMP/OXD/OTR/	/CAN	305-4	A-3	3500	2.29	0.24	2.1	1.5	N/A	
CORVETTE	*CENTURY	EGR/PMP/OXD/OTR/	/CAN	305-4	A-3	3500	2.73	0.40	3.7	1.4	N/A	
	C IMPALA/CAPRICE WAG	EGR/PMP/OXD/OTR/	/CAN	350-4	A-3	4500	2.56	0.24	4.0	1.1	N/A	
	CORVETTE	EGR/PMP/OXD/OTR/	/CAN	350-4	A-3	4000	3.55	0.50	1.9	1.5	N/A	
	C CORVETTE	EGR/PMP/OXD/OTR/	/CAN	350-4	A-3	4000	3.55	0.18	0.75	1.5	4.5 *	
	CORVETTE	EGR/PMP/OXD/OTR/	/CAN	350-4	M-4	4000	3.70	0.54	2.4	1.7	4.8 *	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY 910L4RU				1.060	1.000	1.000	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 984L-1				N/A	N/A	N/A	0.0)	
910W2 / 985-1										
(98)										
CHEVETTE	CHEVETTE	EGR/OXD/ / /	/CAN	98-2	A-3	2500	3.70	0.47	9.4	1.6	N/A	
	CHEVETTE	EGR/OXD/ / /	/CAN	98-2	A-3	2500	3.70	0.63	8.2	1.6	2.4 *	
	CHEVETTE	EGR/OXD/ / /	/CAN	98-2	M-4	2250	3.70	0.73	8.7	0.75	N/A	
	CHEVETTE	EGR/OXD/ / /	/CAN	98-2	M-4	2500	3.70	0.46	6.7	1.7	N/A	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / /	/	FAMILY 910W2				1.085	1.048	1.056	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 985-1				N/A	N/A	N/A	0.0)	
910W2KQU / 985-1										
(98)										
C CHEVETTE	C CHEVETTE	EGR/PLS/OXD/ /	/CAN	98-2	A-3	2500	3.70	0.27	4.4	1.2	1.1 *	
	C CHEVETTE	EGR/PLS/OXD/ /	/CAN	98-2	M-4	2250	3.70	0.31	4.7	1.0	N/A	
	C CHEVETTE	EGR/PLS/OXD/ /	/CAN	98-2	M-4	2500	3.70	0.37	4.0	1.3	N/A	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ /	/	FAMILY 910W2KQU				1.000	1.000	1.000	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 985-1				N/A	N/A	N/A	0.0)	
910Y2V / 983-1										
(305)										
IMPALA/CAPRICE	C IMPALA/CAPRICE	EGR/PMP/OXD/OTR/	/CAN	305-2	A-3	4000	2.41	0.35	10.	1.1	N/A	
NOVA	C MONZA	EGR/PMP/OXD/OTR/	/CAN	305-2	A-3	3500	2.29	0.35	5.0	1.5	1.8 *	
PHOENIX	C CAMARO	EGR/PMP/OXD/OTR/	/CAN	305-2	A-3	4000	2.41	0.35	5.3	1.0	N/A	
CAMARO												
FIREBIRD												
MONZA												
SUNBIRD												
STARFIRE												
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY 910Y2V				1.440	1.000	1.000	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 983-1				N/A	N/A	N/A	0.0)	
920N4EH / 984-2												
(400)												
FIREBIRD	FIREBIRD	EGR/OXD/OTH/ /	/CAN	400-4	M-4	4000	3.23	1.4	8.7	1.2	2.2 *	
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ /	/	FAMILY 920N4EH				1.306	1.000	1.008	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 984-2				N/A	N/A	N/A	0.0)	
920S2E / 983-2												
(301)												
CATALINA/BONNEVILL	FIREBIRD	EGR/OXD/OTH/ /	/CAN	301-2	A-3	4000	2.41	0.82	8.8	1.6	N/A	
LESABRE	GRAND PRIX	EGR/OXD/OTH/ /	/CAN	301-2	A-3	3500	2.14	0.70	7.1	1.8	1.8 *	
CATALINA/BONNEVILL	CATALINA/BONNEVILL	EGR/OXD/OTH/ /	/CAN	301-2	A-3	4500	2.56	0.74	9.9	1.6	N/A	
FIREBIRD	CATALINA/BONNEVILL	EGR/OXD/OTR/ /	/CAN	301-2	A-3	4000	2.29	0.74	8.9	1.7	1.5 *	
GRAND PRIX												
LEMANS/GRAND AM												
CENTURY												
LEMANS SAFARI WG												
CENTURY WAGON												
REGAL												
DELTA 88												
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ /	/	FAMILY 920S2E				1.297	1.021	1.000	N/A)	
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 983-2				N/A	N/A	N/A	0.0)	

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
920S4 / 9B4-2B										
(301)										
CATALINA/BONNEVILL	GRAND PRIX	EGR/OXD/OTH/ / /CAN	301-4	A-3	4000	2.29	0.78	12.	1.9	1.9 *
LEMANS SAFARI WG	CATALINA/BONNEVILL	EGR/OXD/OTH/ / /CAN	301-4	A-3	4500	2.73	0.67	9.7	1.7	1.9 *
CENTURY WAGON	CENTURY	EGR/OXD/OTH/ / /CAN	301-4	A-3	3500	2.29	0.76	9.9	1.5	1.9 *
LEMANS/GRAND AM	CATALINA/BONNEVILL	EGR/OXD/OTH/ / /CAN	301-4	A-3	4500	2.73	0.62	8.9	1.5	1.3 *
GRAND PRIX	CATALINA/BONNEVILL	EGR/OXD/OTH/ / /CAN	301-4	A-3	4500	2.41	0.90	12.	1.9	2.4 *
CENTURY	FIREBIRD	EGR/OXD/OTH/ / /CAN	301-4	M-4	4000	3.08	0.89	8.3	1.7	N/A
REGAL										
FIREBIRD										
CATALINA/BONNEVILL										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ / /	FAMILY 920S4				: 1.157	1.037	1.080	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B4-2B				: N/A	N/A	N/A	0.0)
920X2CEU / 9B5-2										
(151)										
C MONZA	C SUNBIRD	EGR/OXD/OTH/ / /CAN	151-2	A-3	3000	2.73	0.51	8.5	0.86	1.6 *
C MONZA WAGON	C MONZA WAGON	EGR/OXD/OTH/ / /CAN	151-2	M-4	3000	2.93	0.35	5.4	0.71	0.95 *
C SUNBIRD										
C SUNBIRD SAFARI WG										
C STARFIRE										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ / /	FAMILY 920X2CEU				: 1.454	1.721	1.301	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B5-2				: N/A	N/A	N/A	0.0)
920X2EU / 9B6-2										
(151)										
SUNBIRD	MONZA	EGR/OXD/ / / /CAN	151-2	A-3	3000	2.73	0.57	1[illegible].	1.6	2.0 *
STARFIRE	SUNBIRD SAFARI WG	EGR/OXD/ / / /CAN	151-2	A-3	3000	2.73	0.38	9.5	2.0	1.5 *
MONZA	MONZA	EGR/OXD/ / / /CAN	151-2	M-4	3000	2.73	0.53	8.2	1.5	N/A
SUNBIRD SAFARI WG										
MONZA WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 920X2EU				: 1.234	1.441	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B6-2				: N/A	N/A	N/A	0.0)
930H2AU / 983-3										
(260)										
C CUTLASS SALON	C CUTLASS SALON	EGR/PMP/OXD/ / /CAN	260-02	A-3	3500	2.29	0.31	5.5	1.1	2.1 *
C CUTLASS SUPREME										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 930H2AU				: 1.001	1.[illegible]0	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 983-3				: N/A	N/[illegible]	N/A	0.0)
930H2U / 983-3										
(260)										
CUTLASS SALON	CUTLASS SALON	EGR/PMP/OXD/ / /CAN	260-2	A-3	3500	2.93	0.45	5.4	1.7	N/A
CUTLASS SUPREME	DELTA 88	EGR/PMP/OXD/ / /CAN	260-2	A-3	4000	2.56	0.50	7.8	1.9	2.5 *
CUTLASS WAGON	CUTLASS WAGON	EGR/PMP/OXD/ / /CAN	260-02	A-3	4000	2.93	0.66	9.9	1.8	2.2 *
DELTA 88	CUTLASS SALON	EGR/PMP/OXD/ / /CAN	260-2	A-3	3500	2.29	0.50	7.6	1.8	2.6 *
	CUTLASS SALON	EGR/PMP/OXD/ / /CAN	260-2	M-5	3500	2.56	0.72	6.2	1.[illegible]	2.5 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 930H2U				: 1.141	1.02[illegible]	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 983-3				: N/A	N/A	N/A	0.0)
930M4AU / 984-3										
(350+403)										
C DELTA 88	C CUSTOM CRUISER WG	EGR/PMP/OXD/ / /CAN	350-4	A-3	4500	2.73	0.33	5.4	1.2	N/A
C CATALINA/BONNEVILL	C RIVIERA	EGR/PMP/OXD/ / /CAN	350-4	A-3	4500	2.41	0.40	7.[illegible]	1.2	N/A
C LESABRE	C DELTA 88	EGR/PMP/OXD/ / /CAN	350-4	A-3	4000	2.41	0.43	8.0	1.1	N/A
C NINETY EIGHT	C CATALINA/BONNEVILL	EGR/PMP/OXD/ / /CAN	350-4	A-3	4500	2.41	0.33	5.1	1.2	5.1 *
C ELECTRA	C NINETY EIGHT	EGR/PMP/OXD/ / /CAN	403-4	A-3	4500	2.41	0.38	5.1	0.98	N/A
C CUSTOM CRUISER WG	C FIREBIRD	EGR/PMP/OXD/ / /CAN	403-4	A-3	4000	3.23	0.33	4.9	0.97	2.7 *
C CATALINA/BONNEVILL										
C ESTATE WAGON										
C FIREBIRD										
C TORONADO										
C RIVIERA										
C CUTLASS SUPREME										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 930M4AU				: 1.015	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9B4-3				: N/A	N/A	N/A	0.0)
930M4U / 9B4-3										
(350+403)										
DELTA 88	DELTA 88	EGR/OXD/ / / /CAN	350-4	A-3	4000	2.41	1.0	9.9	1.8	3.0 *
CUTLASS SUPREME	TORONADO	EGR/OXD/ / / /CAN	350-4	A-3	4500	2.19	1.0	7.8	1.7	2.2 *
CATALINA/BONNEVILL	CUSTOM CRUISER WG	EGR/OXD/ / / /CAN	350-4	A-3	4500	3.08	1.1	10.	1.4	2.4 *

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAM9) HYDRO-CARBONS	
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:											
ENGINE FAMILY TEST VEHICLES											
930M4U / 984-3 (CONT.)											
LESABRE	FIREBIRD	EGR/OXD/ / /	/CAN	403-4	A-3	4000	3.23	0.86	5.3	1.2	N/A
NINETY EIGHT	NINETY EIGHT	EGR/OXD/ / /	/CAN	403-4	A-3	4500	2.41	0.99	9.7	1.6	2.8 *
ELECTRA	CUSTOM CRUISER WG	EGR/OXD/ / /	/CAN	403-4	A-3	4500	2.41	0.82	5.4	1.8	N/A
CUSTOM CRUISER WG											
CATALINA/BONNEVILL											
ESTATE WAGON											
FIREBIRD											
TORONADO											
RIVIERA											
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / /	/	FAMILY 930M4U				1.908	1.018	1.017	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 984-3				N/A	N/A	N/A	0.0)
940B2 / 983-4											
(196,231)											
LESABRE	CENTURY	EGR/OXD/OTH/ /	/CAN	196-02	A-3	3500	2.56	0.62	9.6	1.2	N/A
CATALINA/BONNEVILL	MONZA	EGR/OXD/OTH/ /	/CAN	196-2	M-5	3500	2.93	1.3	12.	1.3	N/A
DELTA 88	REGAL	EGR/OXD/OTH/ /	/CAN	231-2	A-3	3500	2.41	0.30	5.9	1.7	3.1 *
FIREBIRD	CATALINA/BONNEVILL	EGR/OXD/OTH/ /	/CAN	231-2	A-3	4000	2.73	0.74	8.6	1.6	3.3 *
OMEGA	PHOENIX	EGR/OXD/OTH/ /	/CAN	231-2	M-3	4000	3.08	0.85	12.	1.3	N/A
SKYLARK											
PHOENIX											
SKYHAWK											
STARFIRE											
SUNBIRD											
SUNBIRD SAFARI WG											
CUTLASS WAGON											
LEMANS/GRAND AM											
CUTLASS SALON											
CUTLASS SUPREME											
GRAND PRIX											
CENTURY											
REGAL											
MONTE CARLO											
CENTURY WAGON											
LEMANS SAFARI WG											
MONZA											
MONZA WAGON											
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTH/ / /		FAMILY 94082				1.186	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 983-4				N/A	N/A	N/A	0.0)
940E2CYU / 983-4											
(231)											
C CENTURY	C REGAL	EGR/3WY/OTH/ /	/CAN	231-2	A-3	3500	2.73	0.31	4.0	1.2	3.4 *
C REGAL											
C CENTURY WAGON											
C MALIBU											
C MALIBU WAGON											
C MONTE CARLO											
C EL CAMINO											
C CABALLERO											
C LEMANS/GRAND AM											
C LEMANS SAFARI WG											
C GRAND PRIX											
C CUTLASS SALON											
C CUTLASS SUPREME											
C CUTLASS WAGON											
(EXHAUST DETERIORATION FACTORS FOR -		EGR/3WY/OTH/ / /		FAMILY 940E2CYU				1.209	1.135	1.108	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 983-4				N/A	N/A	N/A	0.0)
940E2LU / 983-4											
(231)											
C LESABRE	C REGAL	EGR/PMP/OXD/OTR/	/CAN	231-02	A-3	3500	2.73	0.38	4.8	1.2	2.3 *
C DELTA 88	C PHOENIX	EGR/PMP/OXD/OTR/	/CAN	231-2	A-3	4000	2.56	0.42	5.9	1.1	1.6 *
C CATALINA/BONNEVILL	*CUTLASS WAGON	EGR/PMP/OXD/OTR/	/CAN	231-2	A-3	3500	3.23	0.45	6.5	1.7	3.4 *
C SKYLARK	C SUNBIRD	EGR/PMP/OXD/OTR/	/CAN	231-2	M-4	3500	2.93	0.24	2.5	1.2	2.0 *
C OMEGA											
C PHOENIX											
C FIREBIRD											
C CENTURY											
C CUTLASS SALON											
C CUTLASS SUPREME											
C LEMANS/GRAND AM											
C MALIBU											
C REGAL											

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS

GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:

ENGINE FAMILY TEST VEHICLES

940E2LU / 983-4 (CONT.)
C GRAND PRIX
C MONTE CARLO
C CENTURY WAGON
C CUTLASS WAGON
C LEMANS SAFARI WG
C MALIBU WAGON
C EL CAMINO
C CABALLERO
C SKYHAWK
C MONZA
C SUNBIRD
C STARFIRE
C MONZA WAGON
C SUNBIRD SAFARI WG
CENTURY
MALIBU
CUTLASS SALON
CUTLASS SUPREME
REGAL
MONTE CARLO
CENTURY WAGON
CUTLASS WAGON
SKYHAWK
MONZA
SUNBIRD
STARFIRE
MONZA WAGON
SUNBIRD SAFARI WG

(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY	940E2LU			: 1.103	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY	983-4			: N/A	N/A	N/A	0.0)

940E4DVT / 984-4
(231)

C CENTURY	C CENTURY	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	3500	3.08	0.31	6.4	1.1	3.4 *
C REGAL	C CENTURY	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	3500	2.73	0.34	8.4	1.2	N/A
C LESABRE	C LESABRE	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	4000	3.08	0.32	7.8	1.5	2.3 *
C RIVIERA	C RIVIERA	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	4000	2.93	0.36	7.0	1.3	3.3 *

(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY	940E4DVT			: 1.038	1.044	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY	984-4			: N/A	N/A	N/A	0.0)

940E4DVU / 984-4
(231)

REGAL	CENTURY	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	3500	3.08	0.60	8.0	1.3	N/A
CENTURY	LESABRE	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	4000	2.73	0.75	11.	1.4	4.4 *
LESABRE	REGAL	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	3500	2.41	0.54	6.3	1.6	3.3 *
RIVIERA	RIVIERA	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	4000	2.93	0.64	8.6	1.7	2.7 *

(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY	940E4DVU			: 1.421	1.462	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY	984-4			: N/A	N/A	N/A	0.0)

940E4DVY / 984-4
(231)

C RIVIERA	C RIVIERA	EGR/PMP/OXD/OTR/	/CAN	231-4	A-3	4000	2.93	0.44	4.6	1.5	1.4 *

(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY	940E4DVY			: 1.000	1.000	1.122	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY	984-4			: N/A	N/A	N/A	0.0)

940J4U / 9R4-4
(350)

LESABRE	LESABRE	EGR/OXD/OTR/	/	/CAN	350-4	A-3	4500	2.41	0.84	9.3	1.4	N/A
CATALINA/BONNEVILL	ELECTRA	EGR/OXD/OTR/	/	/CAN	350-4	A-3	4500	2.41	0.84	8.0	1.6	N/A
ELECTRA	ESTATE WAGON	EGR/OXD/OTR/	/	/CAN	350-4	A-3	4500	2.73	0.86	7.5	1.6	2.0 *
ESTATE WAGON	LESABRE	EGR/OXD/OTR/	/	/CAN	350-4	A-3	4000	3.08	0.82	4.0	1.6	2.2 *
CATALINA/BONNEVILL												
CUSTOM CRUISER WG												

(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTR/	/	/	FAMILY	940J4U			: 2.217	1.476	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY	984-4				: N/A	N/A	N/A	0.0)

940J0 / 980-6
(350)

ELDORADO	C ELDORADO	FI /EGR/PMP/OXD/	/CAN	350-FI	A-3	4500	2.19	0.36	4.7	1.3	N/A

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
960J0 / 9B0-6 (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR - FI /EGR/PMP/OXD/ / FAMILY 960J0							: 1.300	1.416	1.074	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / / /CAN FAMILY 9B0-6							: N/A	N/A	N/A	0.0)
960J0U / 9B0-6										
(350)										
ELDORADO	ELDORADO	FI /EGR/PMP/OXD/ /CAN	350-FI	A-3	4500	2.19	0.70	12.	1.7	0.91 *
	SEVILLE	FI /EGR/PMP/OXD/ /CAN	350-FI	A-3	4500	2.24	0.47	11.	1.6	1.5 *
(EXHAUST DETERIORATION FACTORS FOR - FI /EGR/PMP/OXD/ / FAMILY 960J0U							: 1.000	1.316	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / / /CAN FAMILY 9B0-6							: N/A	N/A	N/A	0.0)
960J0UC / 9B0-6										
(350)										
C SEVILLE	C SEVILLE	FI /EGR/3WY/ / /CAN	350-FI	A-3	4500	3.08	0.34	8.1	1.4	N/A
	C SEVILLE	FI /EGR/3WY/ / /CAN	350-FI	A-3	4500	2.56	0.34	6.0	1.2	1.1 *
(EXHAUST DETERIORATION FACTORS FOR - FI /EGR/3WY/ / / FAMILY 960J0UC							: 1.135	1.178	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / / /CAN FAMILY 9B0-6							: N/A	N/A	N/A	0.0)
960V0 / 9B0-6										
(425)										
C DEVILLE/BROUGHAM	C DEVILLE/BROUGHAM	EGR/PMP/OXD/ / /CAN	425-FI	A-3	5000	2.28	0.34	3.9	1.3	1.4 *
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/ / / FAMILY 960V0							: 1.118	1.001	1.052	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / / /CAN FAMILY 9B0-6							: N/A	N/A	N/A	0.0)
960V4S / 9B4-6										
(425)										
C DEVILLE/BROUGHAM	C DEVILLE/BROUGHAM	EGR/PMP/OXD/OTR/ /CAN	425-4	A-3	5000	2.73	0.43	4.3	1.3	N/A
DEVILLE/BROUGHAM	DEVILLE/BROUGHAM	EGR/PMP/OXD/OTR/ /CAN	425-4	A-3	5000	2.28	0.31	4.1	1.7	2.2 *
LIMOUSINE	C DEVILLE/BROUGHAM	EGR/PMP/OXD/OTR/ /CAN	425-4	A-3	4500	2.28	0.29	3.3	1.3	2.7 *
COMMERCIAL CHASIS	C COMMERCIAL CHASIS	EGR/PMP/OXD/OTR/ /CAN	425-4	A-3	5500	3.08	0.34	4.0	1.4	1.9 *
C COMMERCIAL CHASIS										
(EXHAUST DETERIORATION FACTORS FOR - EGR/PMP/OXD/OTR/ / FAMILY 960V4S							: 1.210	1.112	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / / /CAN FAMILY 9B4-6							: N/A	N/A	N/A	0.0)
960V4UE / 9B4-6										
(425)										
DEVILLE/BROUGHAM	DEVILLE/BROUGHAM	EGR/OXD/OTR/ / /CAN	425-04	A-3	4500	2.73	0.44	4.6	2.0	N/A
	DEVILLE/BROUGHAM	EGR/OXD/OTR/ / /CAN	425-4	A-3	4500	2.28	0.63	6.3	1.7	2.0 *
(EXHAUST DETERIORATION FACTORS FOR - EGR/OXD/OTR/ / / FAMILY 960V4UE							: 1.184	1.168	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR - / / / / /CAN FAMILY 9B4-6							: N/A	N/A	N/A	0.0)
GENERAL MOTORS - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
9B0-6										
	ELDORADO	FI /EGR/PMP/OXD/ /CAN	350-FI	A-3	4500	2.19	0.70	12.	1.7	0.91
	SEVILLE	FI /EGR/PMP/OXD/ /CAN	350-FI	A-3	4500	2.24	0.47	11.	1.6	1.5
	C SEVILLE	FI /EGR/3WY/ / /CAN	350-FI	A-3	4500	2.56	0.34	6.0	1.2	1.1
	C DEVILLE/BROUGHAM	EGR/PMP/OXD/ / /CAN	425-FI	A-3	5000	2.28	0.34	3.9	1.3	1.4
9B1-1										
	IMPALA/CAPRICE	EGR/OXD/OTR/ / /CAN	250-1	A-3	4000	2.56	0.44	12.	1.7	2.2
	NOVA	EGR/OXD/OTR/ / /CAN	250-1	A-3	4000	2.56	0.55	9.8	1.9	2.3
	C CAMARO	EGR/PMP/OXD/OTR/ /CAN	250-1	A-3	4000	2.73	0.34	3.3	0.92	2.8
9B3-1										
	MALIBU	EGR/OXD/OTR/ / /CAN	200-2	A-3	3500	2.73	0.34	5.5	2.0	1.9
	MALIBU WAGON	EGR/OXD/OTR/ / /CAN	267-2	A-3	4000	2.56	0.64	12.	1.8	1.9
	EL CAMINO	EGR/OXD/OTR/ / /CAN	267-02	M-4	4000	3.08	0.95	12.	2.0	1.6
	C MONZA	EGR/PMP/OXD/OTR/ /CAN	305-2	A-3	3500	2.29	0.34	5.0	1.5	1.8
	IMPALA/CAPRICE WAG	EGR/OXD/OTR/ / /CAN	305-2	A-3	4500	2.56	0.54	8.8	1.4	1.2
9B3-2										
	CATALINA/BONNEVILL	EGR/OXD/OTR/ / /CAN	301-2	A-3	4000	2.29	0.74	8.9	1.7	1.5
	GRAND PRIX	EGR/OXD/OTR/ / /CAN	301-2	A-3	3500	2.14	0.70	7.1	1.4	1.8
9B3-3										
	CUTLASS WAGON	EGR/PMP/OXD/ / /CAN	260-02	A-3	4000	2.93	0.66	9.9	1.8	2.2
	DELTA 88	EGR/PMP/OXD/ / /CAN	260-2	A-3	4000	2.56	0.50	7.8	1.9	2.5
	C CUTLASS SALON	EGR/PMP/OXD/ / /CAN	260-02	A-3	3500	2.29	0.31	5.5	1.1	2.1
	CUTLASS SALON	EGR/PMP/OXD/ / /CAN	260-2	A-3	3500	2.29	0.50	7.6	1.8	2.6
	CUTLASS SALON	EGR/PMP/OXD/ / /CAN	260-2	M-5	3500	2.56	0.72	6.2	1.6	2.5

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
9R3-4										
	+CUTLASS WAGON	EGR/PMP/OXD/OTR/ /CAN	231-2	A-3	3500	3.23	0.45	6.5	1.7	3.4
	C REGAL	EGR/PMP/OXD/OTR/ /CAN	231-02	A-3	3500	2.73	0.38	4.8	1.2	2.3
	CATALINA/BONNEVILL	EGR/OXD/OTR/ / /CAN	231-2	A-3	4000	2.73	0.78	8.6	1.6	3.3
	REGAL	EGR/OXD/OTR/ / /CAN	231-2	A-3	3500	2.41	0.30	5.9	1.7	3.1
	C REGAL	EGR/3WY/OTR/ / /CAN	231-2	A-3	3500	2.73	0.31	4.0	1.2	3.4
	C PHOENIX	EGR/PMP/OXD/OTR/ /CAN	231-2	A-3	4000	2.56	0.42	5.9	1.1	1.6
	C SUNBIRD	EGR/PMP/OXD/OTR/ /CAN	231-2	M-4	3500	2.93	0.24	2.5	1.2	2.0
9R4-1										
	MONTE CARLO	EGR/OXD/OTR/ / /CAN	305-4	A-3	3500	2.29	0.49	5.3	1.8	1.4
	C IMPALA/CAPRICE WAG	EGR/PMP/OXD/OTR/ /CAN	350-4	A-3	4500	2.56	0.24	4.0	1.1	2.0
	IMPALA/CAPRICE	EGR/OXD/OTR/ / /CAN	350-4	A-3	4000	2.41	0.57	8.1	1.6	2.2
	CAMARO	EGR/OXD/OTR/ / /CAN	350-4	M-4	4000	3.73	0.75	8.6	1.8	2.0
9R4-2										
	FIREBIRD	EGR/OXD/OTR/ / /CAN	400-4	M-4	4000	3.23	1.4	8.7	1.2	2.2
9R4-2B										
	CATALINA/BONNEVILL	EGR/OXD/OTR/ / /CAN	301-4	A-3	4500	2.73	0.62	8.9	1.5	1.3
	CATALINA/BONNEVILL	EGR/OXD/OTR/ / /CAN	301-4	A-3	4500	2.73	0.67	9.7	1.7	1.9
	CATALINA/BONNEVILL	EGR/OXD/OTR/ / /CAN	301-4	A-3	4500	2.41	0.90	12.	1.9	2.4
	GRAND PRIX	EGR/OXD/OTR/ / /CAN	301-4	A-3	4000	2.29	0.79	12.	1.9	1.9
	CENTURY	EGR/OXD/OTR/ / /CAN	301-4	A-3	3500	2.29	0.76	9.9	1.5	1.9
9R4-3										
	DELTA 88	EGR/OXD/ / / /CAN	350-4	A-3	4000	2.41	1.0	9.9	1.8	3.0
	C CATALINA/BONNEVILL	EGR/PMP/OXD/ / /CAN	350-4	A-3	4500	2.41	0.33	5.1	1.2	5.1
	TORONADO	EGR/OXD/ / / /CAN	350-4	A-3	4500	2.19	1.0	7.8	1.3	2.2
	CUSTOM CRUISER WG	EGR/OXD/ / / /CAN	350-4	A-3	4500	3.08	1.1	10.	1.4	2.4
	C FIREBIRD	EGR/PMP/OXD/ / /CAN	403-4	A-3	4000	3.23	0.33	4.9	0.97	2.7
	NINETY EIGHT	EGR/OXD/ / / /CAN	403-4	A-3	4500	2.41	0.99	9.7	1.6	2.8
9R4-4										
	LESABRE	EGR/PMP/OXD/OTR/ /CAN	231-4	A-3	4000	2.73	0.75	11.	1.4	4.4
	REGAL	EGR/PMP/OXD/OTR/ /CAN	231-4	A-3	3500	2.41	0.54	6.3	1.6	3.3
	C CENTURY	EGR/PMP/OXD/OTR/ /CAN	231-4	A-3	3500	3.08	0.31	6.4	1.1	3.4
	C RIVIERA	EGR/PMP/OXD/OTR/ /CAN	231-4	A-3	4000	2.93	0.44	4.6	1.5	1.4
	C RIVIERA	EGR/PMP/OXD/OTR/ /CAN	231-4	A-3	4000	2.93	0.34	7.0	1.3	3.3
	RIVIERA	EGR/PMP/OXD/OTR/ /CAN	231-4	A-3	4000	2.93	0.64	8.6	1.7	2.7
	C LESABRE	EGR/PMP/OXD/OTR/ /CAN	231-4	A-3	4000	3.08	0.32	7.8	1.5	2.3
	LESABRE	EGR/OXD/OTR/ / /CAN	350-4	A-3	4000	3.08	0.82	4.0	1.6	2.2
	ESTATE WAGON	EGR/OXD/OTR/ / /CAN	350-4	A-3	4500	2.73	0.86	7.5	1.6	2.0
9R4-6										
	C COMMERCIAL CHASIS	EGR/PMP/OXD/OTR/ /CAN	425-4	A-3	5500	3.08	0.34	4.0	1.4	1.9
	DEVILLE/BROUGHAM	EGR/PMP/OXD/OTR/ /CAN	425-4	A-3	5000	2.28	0.31	4.1	1.7	2.2
	DEVILLE/BROUGHAM	EGR/OXD/OTR/ / /CAN	425-4	A-3	4500	2.28	0.63	6.3	1.7	2.0
	C DEVILLE/BROUGHAM	EGR/PMP/OXD/OTR/ /CAN	425-4	A-3	4500	2.28	0.29	3.3	1.3	2.7
9R4L-1										
	C CORVETTE	EGR/PMP/OXD/OTR/ /CAN	350-4	A-3	4000	3.55	0.18	0.75	1.5	4.5
	CORVETTE	EGR/PMP/OXD/OTR/ /CAN	350-4	M-4	4000	3.70	0.54	2.4	1.7	4.8
9R5-1										
	C CHEVETTE	EGR/PLS/OXD/ / /CAN	98-2	A-3	2500	3.70	0.27	4.4	1.2	1.1
	CHEVETTE	EGR/OXD/ / / /CAN	98-2	A-3	2500	3.70	0.63	8.2	1.6	2.4
9R5-2										
	C SUNBIRD	EGR/OXD/OTR/ / /CAN	151-2	A-3	3000	2.73	0.51	8.5	0.86	1.6
	C MONZA WAGON	EGR/OXD/OTR/ / /CAN	151-2	M-4	3000	2.93	0.35	5.4	0.73	0.95
9R6-2										
	SUNBIRD SAFARI WG	EGR/OXD/ / / /CAN	151-2	A-3	3000	2.73	0.38	9.5	2.0	1.5
	MONZA	EGR/OXD/ / / /CAN	151-2	A-3	3000	2.73	0.57	1[illegible].	1.6	2.0
HONDA - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
79EB / 79FP (76)										
CIVIC	CIVIC	PMP/ / / / /CAN	76-2	M-4	2000	4.64	0.94	11.	1.4	1.1 *
	CIVIC	PMP/ / / / /CAN	76-2	S-A	2000	4.12	0.82	12.	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		PMP/ / / / /	FAMILY 79EB				‡ 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79EB				‡ N/A	N/A	N/A	0.0)
79ED / 79FD (91)										
C CIVIC	CIVIC CVCC WAGON	OTR/ / / / /CAN	91-3	M-4	2250	4.43	0.72	4.6	1.7	N/A
CIVIC	C CIVIC	OTR/ / / / /CAN	91-3	M-4	2000	4.07	0.17	2.4	1.2	1.1 *
C CIVIC CVCC WAGON	CIVIC	OTR/ / / / /CAN	91-3	M-5	2000	3.88	1.0	4.9	1.8	N/A
CIVIC CVCC WAGON	CIVIC CVCC WAGON	OTR/ / / / /CAN	91-3	S-A	2250	4.12	0.39	4.0	1.2	1.5 *
	CIVIC	OTR/ / / / /CAN	91-3	S-A	2000	4.12	0.43	4.0	1.8	N/A

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
HONDA - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
79ED / 79FD (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		OTR/ / / / /	FAMILY 79ED				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79FD				: N/A	N/A	N/A	0.0)
79EK / 79FK										
(107)										
C ACCORD	C ACCORD	OTR/ / / / /CAN	107-3	M-5	2500	4.38	0.14	2.4	1.2	N/A
ACCORD	ACCORD	OTR/ / / / /CAN	107-3	M-5	2500	4.38	0.87	5.2	1.6	0.96 *
C PRELUDE	ACCORD	OTR/ / / / /CAN	107-3	M-5	2500	4.38	0.25	3.5	1.5	N/A
PRELUDE	PRELUDE	OTR/ / / / /CAN	107-3	M-5	2500	4.38	0.96	7.6	1.8	1.1 *
	ACCORD	OTR/ / / / /CAN	107-3	S-A	2500	4.12	0.34	4.9	1.8	N/A
	C ACCORD	OTR/ / / / /CAN	107-3	S-A	2500	4.12	0.16	3.6	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -		OTR/ / / / /	FAMILY 79EK				: 1.000	1.049	1.027	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79FK				: N/A	N/A	N/A	0.0)
HONDA - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
79FB										
	CIVIC	PMP/ / / / /CAN	76-2	M-4	2000	4.64	0.94	11.	1.4	1.1
79FD										
	C CIVIC	OTR/ / / / /CAN	91-3	M-4	2000	4.07	0.17	2.4	1.2	1.1
	CIVIC CVCC WAGON	OTR/ / / / /CAN	91-3	S-A	2250	4.12	0.39	4.0	1.8	1.5
79FK										
	PRELUDE	OTR/ / / / /CAN	107-3	M-5	2500	4.38	0.96	7.6	1.8	1.1
	ACCORD	OTR/ / / / /CAN	107-3	M-5	2500	4.38	0.87	5.2	1.6	0.96
ISUZU - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
G180Z-B / CRK-P										
(111)										
C OPEL	C OPEL	EGR/PMP/OXD/ / /CRK	111-2	A-3	2500	3.31	0.25	5.2	1.2	2.2 *
	C OPEL	EGR/PMP/OXD/ / /CRK	111-2	M-4	2500	3.15	0.23	3.0	1.2	N/A
	C OPEL	EGR/PMP/OXD/ / /CRK	111-2	M-5	2500	3.31	0.32	5.2	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY G180Z-B				: 2.287	3.033	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CRK	FAMILY CRK-P				: N/A	N/A	N/A	0.0)
G180Z-F / CRK-P										
(111)										
OPEL	OPEL	EGR/PMP/ / / /CRK	111-02	A-3	2500	3.31	1.2	11.	1.8	N/A
	OPEL	EGR/PMP/ / / /CRK	111-02	M-4	2500	3.15	1.1	12.	1.9	2.0 *
	OPEL	EGR/PMP/ / / /CRK	111-02	M-5	2500	3.31	1.2	12.	1.8	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY G180Z-F				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CRK	FAMILY CRK-P				: N/A	N/A	N/A	0.0)
ISUZU - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
CRK-P										
	C OPEL	EGR/PMP/OXD/ / /CRK	111-2	A-3	2500	3.31	0.25	5.2	1.2	2.2
	OPEL	EGR/PMP/ / / /CRK	111-02	M-4	2500	3.15	1.1	12.	1.9	2.0
LOTUS - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
907 / 907										
(120)										
C ESPRIT II	C ESPRIT II	PMP/OXD/ / / /CAN	120-2	M-5	2500	4.38	0.24	2.1	1.3	3.0 *
C ELITE/SPRINT										
(EXHAUST DETERIORATION FACTORS FOR -		PMP/OXD/ / / /	FAMILY 907				: 1.476	1.146	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 907				: N/A	N/A	N/A	0.270)
907H / 907										
(120)										
ESPRIT II	ESPRIT II	PLS/ / / / /CAN	120-2	M-5	2750	4.38	1.2	13.	1.2	2.2 *
ELITE/SPRINT										

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
LOTUS - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
907H / 907 (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		PLS/ / / / /	FAMILY 907H				: 1.100	1.100	1.100	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 907				: N/A	N/A	N/A	0.0)
LOTUS - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
907										
C ESPRIT II		PMP/OXD/ / / /CAN	120-2	M-S	2500	4.38	0.24	2.1	1.3	3.0
ESPRIT II		PLS/ / / / /CAN	120-2	M-S	2750	4.38	1.2	13.	1.2	2.2
MASERATI - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
SS / SS										
(181)										
MERAK	MERAK	THM/PMP/ / / /CAN	181-6	M-S	3500	4.37	0.58	7.8	1.3	4.0 *
(EXHAUST DETERIORATION FACTORS FOR -		THM/PMP/ / / /	FAMILY SS				: 1.100	1.100	1.100	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY SS				: N/A	N/A	N/A	0.0)
MASERATI - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
SS										
	MERAK	THM/PMP/ / / /CAN	181-6	M-S	3500	4.37	0.58	7.8	1.3	4.0
MERCEDES BENZ - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
79/2/V8E/69 / 79/2/EVAP/FI4										
(417)										
C 6.9	C 6.9	FI /EGR/PMP/OXD/ /CAN	417-FI	A-3	4500	2.65	0.32	5.3	1.1	0.71 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/OXD/ /	FAMILY 79/2/V8E/69				: 1.336	1.593	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79/2/EVAP/FI4				: N/A	N/A	N/A	0.0)
79/2A/L6E/28 / 79/2/EVAP/FI2										
(168)										
240D/280E/300D	280SE/300SD	FI /EGR/PMP/OXD/ /CAN	168-FI	A-4	4000	3.69	1.1	3.3	1.6	N/A
	240D/280E/300D	FI /EGR/PMP/OXD/ /CAN	168-FI	A-4	4000	3.54	0.90	4.3	1.3	0.81 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/OXD/ /	FAMILY 79/2A/L6E/28				: 1.406	1.479	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79/2/EVAP/FI2				: N/A	N/A	N/A	0.0)
79/2A/L6E/28 / 79/2/EVAP/FI4										
(168)										
280SE/300SD	280SE/300SD	FI /EGR/PMP/OXD/ /CAN	168-FI	A-4	4000	3.69	1.1	3.3	1.6	N/A
	240D/280E/300D	FI /EGR/PMP/OXD/ /CAN	168-FI	A-4	4000	3.54	0.90	4.3	1.3	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/OXD/ /	FAMILY 79/2A/L6E/28				: 1.406	1.479	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79/2/EVAP/FI4				: N/A	N/A	N/A	0.0)
79/2A/V8E/45-107 / 79/2/EVAP/FI3C										
(276)										
450SLC	450SL	FI /EGR/PLS/OXD/ /CAN	276-FI	A-3	4000	3.06	0.55	7.3	1.3	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PLS/OXD/ /	FAMILY 79/2A/V8E/45-107				: 1.349	1.395	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79/2/EVAP/FI3C				: N/A	N/A	N/A	0.0)
79/2A/V8E/45-107 / 79/2/EVAP/FI3R										
(276)										
450SL	450SL	FI /EGR/PLS/OXD/ /CAN	276-FI	A-3	4000	3.06	0.55	7.3	1.3	0.88 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PLS/OXD/ /	FAMILY 79/2A/V8E/45-107				: 1.349	1.395	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 79/2/EVAP/FI3R				: N/A	N/A	N/A	0.0)
79/2A/V8E/45-116 / 79/2/EVAP/FI4										
(276)										
450SEL	450SEL	FI /EGR/PLS/OXD/ /CAN	276-FI	A-3	4500	3.06	0.54	5.4	1.7	0.82 *

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED — VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
MERCEDES BENZ - FAMILY COMBINATIONS CERTIFIED:									
ENGINE FAMILY TEST VEHICLES									
79/2A/V8E/45-116 / 79/2/EVAP/FI4 (CONT.)									
(EXHAUST DETERIORATION FACTORS FOR -	FI /EGR/PLS/OXD/	/	FAMILY 79/2A/V8F/45-116			: 1.340	1.534	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / /	/CAN	FAMILY 79/2/EVAP/FI4			: N/A	N/A	N/A	0.0)
79/2B/L6E/28 / 79/2/EVAP/FI2 (168)									
C 240D/280E/300D — C 240D/280E/300D	FI /EGR/PMP/OXD/	/CAN	168-FI	A-4	4000 3.54	0.34	1.7	1.3	N/A
C 280SE/300SD	FI /EGR/PMP/OXD/	/CAN	168-FI	A-4	4000 3.69	0.34	1.9	1.0	N/A
(EXHAUST DETERIORATION FACTORS FOR -	FI /EGR/PMP/OXD/	/	FAMILY 79/2B/L6E/2B			: 1.087	1.235	1.134	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / /	/CAN	FAMILY 79/2/EVAP/FI2			: N/A	N/A	N/A	0.0)
79/2B/L6E/28 / 79/2/EVAP/FI4 (168)									
C 280SE/300SD — C 280SE/300SD	FI /EGR/PMP/OXD/	/CAN	168-FI	A-4	4000 3.69	0.34	1.9	1.0	0.74 *
C 240D/280E/300D	FI /EGR/PMP/OXD/	/CAN	168-FI	A-4	4000 3.54	0.34	1.7	1.3	N/A
(EXHAUST DETERIORATION FACTORS FOR -	FI /EGR/PMP/OXD/	/	FAMILY 79/2B/L6E/2B			: 1.087	1.235	1.134	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / /	/CAN	FAMILY 79/2/EVAP/FI4			: N/A	N/A	N/A	0.0)
79/2B/V8E/45-107 / 79/2/EVAP/FI3C (276)									
C 450SLC — C 450SL	FI /EGR/PMP/OXD/	/CAN	276-FI	A-3	4000 3.06	0.30	1.3	0.98	N/A
450SLC	FI /EGR/PMP/OXD/	/CAN	276-FI	A-3	4000 3.06	0.30	1.7	1.1	0.77 *
(EXHAUST DETERIORATION FACTORS FOR -	FI /EGR/PMP/OXD/	/	FAMILY 79/2B/V8E/45-107			: 1.322	1.324	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / /	/CAN	FAMILY 79/2/EVAP/FI3C			: N/A	N/A	N/A	0.0)
79/2B/V8E/45-107 / 79/2/EVAP/FI3R (276)									
C 450SL — 450SLC	FI /EGR/PMP/OXD/	/CAN	276-FI	A-3	4000 3.06	0.30	1.7	1.1	N/A
C 450SL	FI /EGR/PMP/OXD/	/CAN	276-FI	A-3	4000 3.06	0.30	1.3	0.98	N/A
(EXHAUST DETERIORATION FACTORS FOR -	FI /EGR/PMP/OXD/	/	FAMILY 79/2B/V8E/45-107			: 1.322	1.324	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / /	/CAN	FAMILY 79/2/EVAP/FI3R			: N/A	N/A	N/A	0.0)
79/2B/V8E/45-116 / 79/2/EVAP/FI4 (276)									
C 450SEL — C 450SEL	FI /EGR/PMP/OXD/	/CAN	276-FI	A-3	4500 3.06	0.35	3.4	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -	FI /EGR/PMP/OXD/	/	FAMILY 79/2B/V8F/45-116			: 1.347	1.375	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / /	/CAN	FAMILY 79/2/EVAP/FI4			: N/A	N/A	N/A	0.0)
MERCEDES BENZ - EVAP-EMISSION FAMILIES:									
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES									
79/2/EVAP/FI2 — 240D/280E/300D	FI /EGR/PMP/OXD/	/CAN	168-FI	A-4	4000 3.54	0.90	4.3	1.3	0.81
79/2/EVAP/FI3C — 450SLC	FI /EGR/PMP/OXD/	/CAN	276-FI	A-3	4000 3.06	0.30	1.7	1.1	0.77
79/2/EVAP/FI3R — 450SL	FI /EGR/PLS/OXD/	/CAN	276-FI	A-3	4000 3.06	0.55	7.3	1.3	0.88
79/2/EVAP/FI4 — C 280SE/300SD	FI /EGR/PMP/OXD/	/CAN	168-FI	A-4	4000 3.69	0.34	1.9	1.0	0.74
450SEL	FI /EGR/PLS/OXD/	/CAN	276-FI	A-3	4500 3.06	0.54	5.4	1.7	0.82
C 6.9	FI /EGR/PLS/OXD/	/CAN	417-FI	A-3	4500 2.65	0.32	5.3	1.1	0.71
MITSUBISHI - FAMILY COMBINATIONS CERTIFIED:									
ENGINE FAMILY TEST VEHICLES									
4G1M-C / E-79-1 (86)									
C CHAMP — C CHAMP	EGR/OXD/ / /	/CAN	86-2	M-4X2	2000 3.47	0.19	3.2	1.2	N/A
C COLT HATCHBACK — C CHAMP	EGR/OXD/ / /	/CAN	86-2	M-4X2	2250 3.47	0.19	2.5	1.4	2.7 *
C COLT HATCHBACK	EGR/OXD/ / /	/CAN	86-2	M-4	2000 3.17	0.20	4.0	0.91	1.9 *
C CHAMP	EGR/OXD/ / /	/CAN	86-2	M-4X2	2000 3.47	0.29	4.4	1.0	N/A
C CHAMP	EGR/OXD/ / /	/CAN	86-2	M-4X2	2250 3.47	0.21	3.9	0.91	2.6 *
(EXHAUST DETERIORATION FACTORS FOR -	EGR/OXD/ / / /		FAMILY 4G1M-C			: 1.019	1.009	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / /	/CAN	FAMILY E-79-1			: N/A	N/A	N/A	0.0)

* *NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
MITSUBISHI - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
4G1M-F / E-79-1										
(86)										
CHAMP	CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2250	3.47	0.48	4.3	1.9	2.5 *
COLT HATCHBACK	CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2000	3.47	0.45	3.4	1.3	N/A
	CHAMP	EGR/OXD/ / / /CAN	86-2	M-4	2000	3.17	0.55	3.3	1.5	2.7 *
	CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2000	3.47	0.45	3.9	1.8	N/A
	CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2250	3.47	0.50	5.4	1.4	2.0 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4G1M-F				: 1.070	1.076	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-79-1				: N/A	N/A	N/A	0.0)
4G3M-C / E-79-1										
(98)										
C COLT HATCHBACK	C CHAMP	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.25	4.6	1.0	2.2 *
C CHAMP	C CHAMP	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.21	4.1	1.1	2.5 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4G3M-C				: 1.022	1.001	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-79-1				: N/A	N/A	N/A	0.0)
4G3M-F / E-79-1										
(98)										
C COLT HATCHBACK	COLT HATCHBACK	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.45	4.6	1.3	2.2 *
C CHAMP	COLT HATCHBACK	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.39	4.2	1.3	3.5 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4G3M-F				: 1.060	1.050	1.010	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-79-1				: N/A	N/A	N/A	0.0)
4G3P-C / E-79										
(98)										
C COLT	C ARROW	EGR/OXD/ / / /CAN	98-02	A-3	2500	3.54	0.25	3.9	1.2	3.4 *
C ARROW	C COLT	EGR/OXD/ / / /CAN	98-02	M-4	2250	3.54	0.24	7.2	0.98	2.1 *
C CHALLENGER	C CHALLENGER	EGR/OXD/ / / /CAN	98-02	M-5	2750	4.22	0.28	6.2	1.1	1.6 *
C SAPPORO										
C COLT WAGON										
C LANCER										
C CELESTE										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4G3P-C				: 1.068	1.012	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-79				: N/A	N/A	N/A	0.0)
4G3P-F / E-79										
(98)										
COLT	COLT	EGR/OXD/ / / /CAN	98-02	M-4	2250	3.31	0.45	6.1	1.5	N/A
LANCER	ARROW	EGR/OXD/ / / /CAN	98-2	M-4	2500	3.91	0.41	5.6	1.8	2.2 *
ARROW	COLT WAGON	EGR/OXD/ / / /CAN	98-02	M-4	2750	3.91	0.42	9.6	1.2	2.8 *
CELESTE	CHALLENGER	EGR/OXD/ / / /CAN	98-02	M-5	2750	4.22	0.44	9.5	1.4	2.1 *
CHALLENGER										
SAPPORO										
COLT WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4G3P-F				: 1.088	1.093	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-79				: N/A	N/A	N/A	0.0)
4G5M-C / E-79										
(156)										
C ARROW	C CHALLENGER	EGR/OXD/ / / /CAN	156-02	A-3	3000	3.31	0.28	5.0	1.0	3.2 *
C CHALLENGER	C COLT WAGON	EGR/OXD/ / / /CAN	156-02	A-3	3000	3.31	0.19	4.5	0.85	3.6 *
C SAPPORO	C ARROW	EGR/OXD/ / / /CAN	156-02	A-3	2750	3.54	0.23	6.1	0.85	2.8 *
C COLT WAGON	C ARROW	EGR/OXD/ / / /CAN	156-02	M-5	2750	3.54	0.11	4.0	0.75	2.6 *
C CELESTE	C SAPPORO	EGR/OXD/ / / /CAN	156-02	M-5	3000	3.31	0.25	8.1	0.80	2.5 *
C LANCER WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4G5M-C				: 1.034	1.002	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-79				: N/A	N/A	N/A	0.0)
4G5M-F / E-79										
(156)										
ARROW	COLT WAGON	EGR/OXD/ / / /CAN	156-02	M-5	3000	3.31	0.49	9.2	1.6	2.4 *
CELESTE	CHALLENGER	EGR/OXD/ / / /CAN	156-02	M-5	3000	3.31	0.33	7.3	1.4	3.5 *
CHALLENGER	ARROW	EGR/OXD/ / / /CAN	156-2	M-5	2750	3.54	0.44	10.	1.1	2.3 *
SAPPORO										
COLT WAGON										
LANCER WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/ / / /	FAMILY 4G5M-F				: 1.075	1.061	1.009	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-79				: N/A	N/A	N/A	0.0)

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-FMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED — VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST FMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
MITSUBISHI - EVAP-EMISSION FAMILIES:									
	EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
E-79									
C ARROW	EGR/OXD/ / / /CAN	98-02	A-3	2500	3.54	0.25	3.9	1.2	3.4
COLT WAGON	EGR/OXD/ / / /CAN	98-02	M-4	2750	3.91	0.42	9.6	1.2	2.8
ARROW	EGR/OXD/ / / /CAN	98-2	M-4	2500	3.91	0.41	5.6	1.8	2.2
C COLT	EGR/OXD/ / / /CAN	98-02	M-4	2250	3.54	0.24	7.2	0.98	2.1
C CHALLENGER	EGR/OXD/ / / /CAN	98-02	M-5	2750	4.22	0.28	6.2	1.1	1.6
CHALLENGER	EGR/OXD/ / / /CAN	98-02	M-5	2750	4.22	0.44	9.5	1.4	2.1
C ARROW	EGR/OXD/ / / /CAN	156-02	A-3	2750	3.54	0.23	6.1	0.85	2.8
C COLT WAGON	EGR/OXD/ / / /CAN	156-02	A-3	3000	3.31	0.19	4.5	0.85	3.6
C CHALLENGER	EGR/OXD/ / / /CAN	156-02	A-3	3000	3.31	0.28	5.0	1.0	3.2
C SAPPORO	EGR/OXD/ / / /CAN	156-02	M-5	3000	3.31	0.25	8.1	0.80	2.5
ARROW	EGR/OXD/ / / /CAN	156-2	M-5	2750	3.54	0.49	15.	1.1	2.3
COLT WAGON	EGR/OXD/ / / /CAN	156-02	M-5	3000	3.31	0.49	9.2	1.6	2.4
C ARROW	EGR/OXD/ / / /CAN	156-02	M-5	2750	3.54	0.11	4.0	0.75	2.6
CHALLENGER	EGR/OXD/ / / /CAN	156-02	M-5	3000	3.31	0.33	7.3	1.4	3.5
E-79-1									
C CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2250	3.47	0.21	3.9	0.91	2.6
C CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2250	3.47	0.19	2.5	1.4	2.7
CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2250	3.47	0.44	4.3	1.9	2.5
CHAMP	EGR/OXD/ / / /CAN	86-2	M-4X2	2250	3.47	0.50	5.4	1.4	2.0
C COLT HATCHBACK	EGR/OXD/ / / /CAN	86-2	M-4	2000	3.17	0.20	4.0	0.91	1.9
CHAMP	EGR/OXD/ / / /CAN	86-2	M-4	2000	3.17	0.55	3.3	1.5	2.7
C CHAMP	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.25	4.6	1.0	2.2
COLT HATCHBACK	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.45	4.6	1.3	2.2
COLT HATCHBACK	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.39	4.2	1.3	3.5
C CHAMP	EGR/OXD/ / / /CAN	98-2	M-4X2	2250	3.47	0.21	4.1	1.1	2.5
NISSAN - FAMILY COMBINATIONS CERTIFIED:									
	ENGINE FAMILY TEST VEHICLES								
A140C / EVP-CARB-2 (85, 91)									
C 210	C 210 EGR/PMP/OXD/ / /CAN	85-2	A-3	2250	3.88	0.29	4.5	1.2	N/A
C 210 WAGON	C 210 EGR/PMP/OXD/ / /CAN	85-2	M-4	2250	3.70	0.25	5.2	1.2	N/A
	C 210 WAGON EGR/PMP/OXD/ / /CAN	85-2	M-5	2500	3.70	0.41	7.5	1.1	N/A
	C 210 WAGON EGR/PMP/OXD/ / /CAN	91-2	A-3	2500	3.88	0.21	5.4	0.94	2.0 *
(EXHAUST DETERIORATION FACTORS FOR -	EGR/PMP/OXD/ / /	FAMILY A140C				: 1.335	1.418	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / / /CAN	FAMILY EVP-CARB-2				: N/A	N/A	N/A	0.0)
A140F / EVP-CARB-2 (85, 91)									
210	210 EGR/PMP/ / / /CAN	85-2	A-3	2250	3.88	1.1	9.7	1.6	N/A
210 WAGON	210 EGR/PMP/ / / /CAN	85-2	M-4	2250	3.70	1.3	11.	1.7	N/A
	210 EGR/PMP/ / / /CAN	85-2	M-5	2250	3.70	1.4	12.	1.7	N/A
	210 WAGON EGR/PMP/ / / /CAN	91-2	A-3	2500	3.88	0.97	10.	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -	EGR/PMP/ / / /	FAMILY A140F				: 1.000	1.022	1.008	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / / /CAN	FAMILY EVP-CARB-2				: N/A	N/A	N/A	0.0)
A141F / EVP-CARB-2 (85)									
210	210 EGR/PLS/OXD/ / /CAN	85-2	M-5	2250	3.70	0.93	5.8	1.5	N/A
(EXHAUST DETERIORATION FACTORS FOR -	EGR/PLS/OXD/ / /	FAMILY A141F				: 2.015	1.486	1.002	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / / /CAN	FAMILY EVP-CARB-2				: N/A	N/A	N/A	0.0)
A142C / EVP-CARB-2N (85)									
C 310	C 310 EGR/PMP/OXD/ / /CAN	85-2	M-4	2250	3.47	0.27	3.7	0.88	1.4 *
	C 310 EGR/PMP/OXD/ / /CAN	85-2	M-5	2250	3.47	0.34	5.5	0.91	N/A
(EXHAUST DETERIORATION FACTORS FOR -	EGR/PMP/OXD/ / /	FAMILY A142C				: 1.335	1.418	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / / /CAN	FAMILY EVP-CARB-2N				: N/A	N/A	N/A	0.0)
A142F / EVP-CARB-2N (85)									
310	310 EGR/PMP/ / / /CAN	85-2	M-4	2250	3.47	1.4	12.	1.8	N/A
	310 EGR/PMP/ / / /CAN	85-2	M-5	2250	3.47	1.4	11.	1.8	N/A
(EXHAUST DETERIORATION FACTORS FOR -	EGR/PMP/ / / /	FAMILY A142F				: 1.000	1.022	1.008	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -	/ / / / /CAN	FAMILY EVP-CARB-2N				: N/A	N/A	N/A	0.0)

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS! A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW. *

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
NISSAN - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
L200F / EVP-CARB-1 (119)										
200 SX	510 WAGON	EGR/PMP/ / / /CAN	119-2	A-3	2750	3.54	1.3	11.	2.0	N/A
510	510	EGR/PMP/ / / /CAN	119-2	A-3	2500	3.54	1.4	9.2	1.9	N/A
510 WAGON	200 SX	EGR/PMP/ / / /CAN	119-2	M-5	2750	3.89	1.1	9.9	1.7	N/A
	510	EGR/PMP/ / / /CAN	119-2	M-5	2500	3.54	1.3	9.4	2.0	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY L200F				: 1.074	1.077	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVP-CARB-1				: N/A	N/A	N/A	0.180)
L201C / EVP-CARB-1 (119)										
C 200 SX	C 510 WAGON	EGR/PMP/OXD/ / /CAN	119-2	A-3	2750	3.54	0.23	4.4	1.2	2.0 *
C 510	C 510	EGR/PMP/OXD/ / /CAN	119-2	M-5	2500	3.54	0.21	2.8	1.2	N/A
C 510 WAGON	C 200 SX	EGR/PMP/OXD/ / /CAN	119-2	M-5	2750	3.89	0.22	2.2	1.0	2.0 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY L201C				: 1.160	1.006	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVP-CARB-1				: N/A	N/A	N/A	0.180)
L241/281C / EVP-EFI-1 (146,168)										
C 810	C 810	FI /EGR/OXD/ / /CAN	146-FI	A-3	3000	3.70	0.34	3.6	1.1	N/A
C 810 WAGON	C 810 WAGON	FI /EGR/OXD/ / /CAN	146-FI	M-4	3000	3.70	0.37	4.5	1.1	2.7 *
C 280ZX	280ZX 2+2	FI /EGR/OXD/ / /CAN	168-FI	A-3	3000	3.54	0.95	5.9	1.4	N/A
C 280ZX 2+2	C 280ZX 2+2	FI /EGR/OXD/ / /CAN	168-FI	A-3	3000	3.54	0.34	4.2	1.3	1.4 *
280ZX	C 280ZX	FI /EGR/OXD/ / /CAN	168-FI	M-5	3000	3.36	0.30	3.6	1.2	N/A
280ZX 2+2										
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY L241/281C				: 1.123	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVP-EFI-1				: N/A	N/A	N/A	0.0)
L241F / EVP-EFI-1 (146)										
810	810	FI /EGR/PLS/OXD/ /CAN	146-FI	A-3	3000	3.70	0.76	6.9	1.6	0.92 *
810 WAGON	810	FI /EGR/PLS/OXD/ /CAN	146-FI	M-5	3000	3.70	0.91	5.5	1.5	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PLS/OXD/ /	FAMILY L241F				: 1.655	1.613	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVP-EFI-1				: N/A	N/A	N/A	0.0)
L280F / EVP-EFI-1 (168)										
280ZX	280ZX 2+2	FI /EGR/ / / /CAN	168-FI	A-3	3000	3.54	1.4	9.4	1.7	N/A
280ZX 2+2	280ZX	FI /EGR/ / / /CAN	168-FI	M-5	3000	3.36	1.3	8.5	1.9	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/ / / /	FAMILY L280F				: 1.175	1.179	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVP-EFI-1				: N/A	N/A	N/A	0.0)
NISSAN - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
EVP-CARB-1	C 510 WAGON	EGR/PMP/OXD/ / /CAN	119-2	A-3	2750	3.54	0.23	4.4	1.2	2.0
	C 200 SX	EGR/PMP/OXD/ / /CAN	119-2	M-5	2750	3.89	0.22	2.2	1.0	2.0
EVP-CARB-2	C 210 WAGON	EGR/PMP/OXD/ / /CAN	91-2	A-3	2500	3.88	0.21	5.4	0.94	2.0
EVP-CARB-2N	C 310	EGR/PMP/OXD/ / /CAN	85-2	M-4	2250	3.47	0.27	3.7	0.88	1.4
EVP-EFI-1	810	FI /EGR/PLS/OXD/ /CAN	146-FI	A-3	3000	3.70	0.76	6.9	1.6	0.92
	C 810 WAGON	FI /EGR/OXD/ / /CAN	146-FI	M-4	3000	3.70	0.37	4.5	1.1	2.7
	C 280ZX 2+2	FI /EGR/OXD/ / /CAN	168-FI	A-3	3000	3.54	0.36	4.2	1.3	1.4
PANTHER - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
JAGUAR 4.2L/SD / 4.2L/SD/E1 (258)										
C J.72	C J.72	EGR/PMP/OXD/ / /CAN	258-2	M-4	3500	3.54	0.40	7.2	1.2	5.4 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY JAGUAR 4.2L/SD				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 4.2L/SD/E1				: N/A	N/A	N/A	0.570)

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
PANTHER - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
VAUXHALL 2.3L/S0 / 2.3L/E1 (139)										
C LIMA	C LIMA	EGR/PMP/OXD/3WY/ /CAN	139-2	M-4	2250	3.46	0.59	9.0	0.89	4.8 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/3WY/ /	FAMILY VAUXHALL 2.3L/S0				: 1.900	1.700	1.200	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 2.3L/E1				: N/A	N/A	N/A	0.0)
PANTHER - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
2.3L/E1										
	C LIMA	EGR/PMP/OXD/3WY/ /CAN	139-2	M-4	2250	3.46	0.59	9.0	0.89	4.8
4.2L/S0/E1										
	C J.72	EGR/PMP/OXD/ / /CAN	258-2	M-4	3500	3.54	0.40	7.2	1.2	5.4
PEUGEOT - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
XNAC / XNA (120)										
C 504	C 504 WAGON	EGR/PMP/OXD/ / /CAN	120-2	A-3	3500	4.11	0.23	4.3	1.1	N/A
C 504 WAGON	C 504	EGR/PMP/OXD/ / /CAN	120-2	A-3	3500	3.89	0.19	5.6	1.1	2.5 *
	C 504	EGR/PMP/OXD/ / /CAN	120-2	M-4	3500	3.89	0.40	7.1	1.4	N/A
	C 504 WAGON	EGR/PMP/OXD/ / /CAN	120-2	M-4	3500	4.11	0.23	5.1	1.1	3.4 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY XNAC				: 1.000	1.339	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY XNA				: N/A	N/A	N/A	0.0)
151.9.Z / 151 (174)										
C 604	C 604	EGR/PMP/OXD/ / /CAN	174-3	A-3	3500	3.58	0.28	4.2	1.1	N/A
	C 604	EGR/PMP/OXD/ / /CAN	174-3	M-5	3500	3.70	0.19	2.0	0.97	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 151.9.Z				: 1.217	1.087	1.232	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 151				: N/A	N/A	N/A	0.341)
PEUGEOT - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
XNA										
	C 504	EGR/PMP/OXD/ / /CAN	120-2	A-3	3500	3.89	0.19	5.6	1.1	2.5
	C 504 WAGON	EGR/PMP/OXD/ / /CAN	120-2	M-4	3500	4.11	0.23	5.1	1.1	3.4
151										
	C 604	EGR/PMP/OXD/ / /CAN	174-3	A-3	3500	3.58	0.19	6.0	0.91	2.6
PORSCHE - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
IV / B (201)										
911	911	FI /THM/EGR/PMP/ /CAN	201-FI	M-4	3000	4.22	0.15	3.2	1.4	1.4 *
C 911	C 911	FI /THM/EGR/PMP/ /CAN	201-FI	M-4	3000	4.22	0.23	4.2	1.1	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /THM/EGR/PMP/ /	FAMILY IV				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY B				: N/A	N/A	N/A	0.0)
IX / B (183)										
911	911	FI /PMP/OXD/ / /CAN	183-FI	M-5	3000	3.88	0.32	1.9	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /PMP/OXD/ / /	FAMILY IX				: 1.406	1.210	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY B				: N/A	N/A	N/A	0.0)
VI / A (121)										
924	924	FI /EGR/OXD/ / /CAN	121-FI	A-3	3000	3.73	0.34	6.5	1.3	N/A
	924	FI /EGR/OXD/ / /CAN	121-FI	M-5	3000	5.00	0.40	11.	1.5	3.4 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY VI				: 1.000	1.000	1.361	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY A				: N/A	N/A	N/A	0.0)
VII / A (121)										
C 924	C 924	FI /EGR/PMP/3WD/ /CAN	121-FI	A-3	3000	3.73	0.26	2.2	1.4	N/A
	C 924	FI /EGR/PMP/OXD/ /CAN	121-FI	M-5	3000	5.00	0.27	3.6	1.3	N/A

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
PORSCHE - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
VII / A (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/OXD/ /	FAMILY VII				: 1.072	1.449	1.032	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY A				: N/A	N/A	N/A	0.0)
X / D										
(273)										
C 928	C 928	PMP/OXD/FI /EGR/	/CAN 273-FI	A-3	3500	2.75	0.34	6.6	1.1	N/A
	C 928	PMP/OXD/FI /EGR/	/CAN 273-FI	M-5	3500	2.75	0.21	2.7	1.2	2.0 *
(EXHAUST DETERIORATION FACTORS FOR -		PMP/OXD/FI /EGR/ /	FAMILY X				: 1.068	1.943	1.088	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY D				: N/A	N/A	N/A	0.0)
PORSCHE - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
A										
	924	FI /EGR/OXD/ /	/CAN 121-FI	M-5	3000	5.00	0.40	11.	1.5	3.4
B										
	C 911	PMP/OXD/FI /EGR/	/CAN 183-FI	M-5	3000	3.88	0.25	2.6	1.0	2.7
	911	FI /THM/EGR/PMP/	/CAN 201-FI	M-4	3000	4.22	0.15	3.2	1.4	1.4
D										
	C 928	PMP/OXD/FI /EGR/	/CAN 273-FI	M-5	3500	2.75	0.21	2.7	1.2	2.0
RENAULT - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
A10R / ECS1										
(79)										
LE CAR	LE CAR	EGR/PMP/ / /	/CAN 79-02	M-4	2000	3.63	1.1	12.	1.7	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY A10R				: 1.000	1.038	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY ECS1				: N/A	N/A	N/A	1.443)
A10RC / ECS1										
(79)										
C LE CAR	C LE CAR	EGR/PMP/OXD/ /	/CAN 79-02	M-4	2000	3.63	0.27	2.9	1.1	3.4 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY A10RC				: 1.061	1.396	1.001	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY ECS1				: N/A	N/A	N/A	1.443)
843FIR / ECS2										
(101)										
17 GORDINI	17 GORDINI	FI /EGR/PMP/ /	/CAN 101-FI	M-5	2750	3.77	1.4	11.	1.7	N/A
	17 GORDINI	FI /EGR/PMP/ /	/CAN 101-FI	M-5	2750	3.77	1.4	11.	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/ / /	FAMILY 843FIR				: 1.017	1.010	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY ECS2				: N/A	N/A	N/A	0.700)
843FIRC / ECS2										
(101)										
C 17 GORDINI	C 17 GORDINI	FI /EGR/PMP/OXD/	/CAN 101-FI	M-5	2750	3.77	0.36	2.7	1.3	3.6 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PMP/OXD/ /	FAMILY 843FIRC				: 1.240	1.020	1.224	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY ECS2				: N/A	N/A	N/A	0.700)
RENAULT - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
ECS1										
	C LE CAR	EGR/PMP/OXD/ /	/CAN 79-02	M-4	2000	3.63	0.27	2.9	1.1	3.4
ECS2										
	C 17 GORDINI	FI /EGR/PMP/OXD/	/CAN 101-FI	M-5	2750	3.77	0.36	2.7	1.3	3.6
ROLLS-ROYCE - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
1 / 1										
(412)										
CAMARGUE	C ROLLS-ROYCE/BENT.	EGR/PMP/OXD/ /	/CAN 412-2	A-3	5500	3.08	0.23	3.1	1.1	N/A
C CAMARGUE	C ROLLS-ROYCE/BENT.	EGR/PMP/OXD/ /	/CAN 412-2	A-3	5500	3.08	0.26	3.1	1.7	2.4 *

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
ROLLS-ROYCE - FAMILY COMBINATIONS CERTIFIED:			ENGINE FAMILY TEST VEHICLES							
1 / 1 (CONT.)										
CORNICHE										
C CORNICHE										
SILVER SHADOW										
C SILVER SHADOW										
WRAITH II										
C WRAITH II										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 1				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 1				: N/A	N/A	N/A	0.578)
ROLLS-ROYCE - EVAP-EMISSION FAMILIES:			EVAPORATIVE-EMISSION FAMILY TEST VEHICLES							
1										
C CAMARGUE		EGR/PMP/OXD/ / /CAN	412-2	A-3	5500	3.08	0.37	3.3	0.94	2.5
C ROLLS-ROYCE/BENT.		EGR/PMP/OXD/ / /CAN	412-2	A-3	5500	3.08	0.26	3.1	1.7	2.4
SAAB - FAMILY COMBINATIONS CERTIFIED:			ENGINE FAMILY TEST VEHICLES							
B120CA / 99-1										
(121)										
C 99	C 900	FI /3WY/CLS/ / /CAN	121-FI	A-3	3000	3.89	0.18	5.9	0.19	N/A
C 900	C 99	FI /3WY/CLS/ / /CAN	121-FI	M-4	3000	3.89	0.22	4.5	0.23	2.6 *
	C 900	FI /3WY/CLS/ / /CAN	121-FI	M-4	3000	3.89	0.12	4.0	0.12	2.9 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/ / /	FAMILY B120CA				: 1.085	1.745	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 99-1				: N/A	N/A	N/A	0.0)
B120PR / 99-1										
(121)										
99	900	FI /EGR/PLS/ / /CAN	121-FI	A-3	3000	3.89	1.4	8.7	1.6	1.2 *
900	99	FI /EGR/PLS/ / /CAN	121-FI	M-4	3000	3.89	1.2	1..	1.5	N/A
	900	FI /EGR/PLS/ / /CAN	121-FI	M-4	3000	3.89	1.2	1..	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/PLS/ / /	FAMILY B120PR				: 1.000	1.000	1.092	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 99-1				: N/A	N/A	N/A	0.0)
BSI20CA / 99-1										
(121)										
C 900	C 900	FI /3WY/CLS/OTR/ /CAN	121-FI	M-4	3000	3.89	0.23	2.2	1.4	2.2 *
	C 900	FI /3WY/CLS/OTR/ /CAN	121-FI	M-4	3000	3.89	0.18	2.1	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/OTR/ /	FAMILY BSI20CA				: 1.000	1.000	1.149	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 99-1				: N/A	N/A	N/A	0.0)
SAAB - EVAP-EMISSION FAMILIES:			EVAPORATIVE-EMISSION FAMILY TEST VEHICLES							
99-1										
	900	FI /EGR/PLS/ / /CAN	121-FI	A-3	3000	3.89	1.4	8.7	1.6	1.2
	C 900	FI /3WY/CLS/OTR/ /CAN	121-FI	M-4	3000	3.89	0.23	2.2	1.4	2.2
	C 900	FI /3WY/CLS/ / /CAN	121-FI	M-4	3000	3.89	0.12	4.0	0.12	2.9
	C 99	FI /3WY/CLS/ / /CAN	121-FI	M-4	3000	3.89	0.22	4.5	0.23	2.6
TOYO KOGYO - FAMILY COMBINATIONS CERTIFIED:			ENGINE FAMILY TEST VEHICLES							
9MAP / 9SCD										
(120)										
C 626	C 626	EGR/PLS/3WY/ / /CAN	120-2	A-3	2750	3.64	0.33	5.9	0.63	2.3 *
	C 626	EGR/PLS/3WY/ / /CAN	120-2	M-5	2750	3.64	0.33	3.2	0.98	3.0 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/3WY/ / /	FAMILY 9MAP				: 1.184	1.182	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9SCD				: N/A	N/A	N/A	0.740)
9RFP / 9SRF										
(70)										
RX-7	RX-7	THM/PMP/ / / /CAN	70-4	A-3	2750	3.91	1.0	1..	1.7	N/A
C RX-7	C RX-7	THM/PMP/ / / /CAN	70-4	A-3	2750	3.91	0.29	2.4	1.2	N/A
	C RX-7	THM/PMP/ / / /CAN	70-4	M-4	2750	3.91	0.18	3.7	1.2	N/A

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
TOYO KOGYO - FAMILY COMBINATIONS CERTIFIED:										
			ENGINE FAMILY TEST VEHICLES							
9REP / 9SRE (CONT.)										
	RX-7	THM/PMP/ / / /CAN	70-4	M-5	2750	3.91	0.62	7.4	1.8	2.5 *
(EXHAUST DETERIORATION FACTORS FOR -		THM/PMP/ / / /	FAMILY 9REP				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9SRE				: N/A	N/A	N/A	0.260)
9UCP / 9SCA										
(86)										
GLC	GLC WAGON	EGR/PLS/3WY/ / /CAN	86-02	A-3	2500	3.91	0.37	5.8	1.7	N/A
GLC WAGON	C GLC	EGR/PMP/3WY/ / /CAN	86-02	A-3	2250	3.91	0.25	4.1	1.1	N/A
C GLC	C GLC WAGON	EGR/PLS/3WY/ / /CAN	86-02	M-4	2500	3.73	0.37	6.1	1.3	2.6 *
C GLC WAGON	GLC	EGR/PLS/3WY/ / /CAN	86-02	M-5	2250	3.73	0.35	5.8	1.8	2.2 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/3WY/ / /	FAMILY 9UCP				: 1.123	1.123	1.035	N/A)
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/3WY/ / /	FAMILY 9UCP				: 1.147	1.049	1.026	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9SCA				: N/A	N/A	N/A	0.220)
TOYO KOGYO - EVAP-EMISSION FAMILIES:										
			EVAPORATIVE-EMISSION FAMILY TEST VEHICLES							
9SCA										
	C GLC WAGON	EGR/PLS/3WY/ / /CAN	86-02	M-4	2500	3.73	0.37	6.1	1.3	2.6
	GLC	EGR/PLS/3WY/ / /CAN	86-02	M-5	2250	3.73	0.35	5.8	1.8	2.2
9SCD										
	C 626	EGR/PLS/3WY/ / /CAN	120-2	A-3	2750	3.64	0.33	5.9	0.63	2.3
	C 626	EGR/PLS/3WY/ / /CAN	120-2	M-5	2750	3.64	0.33	3.2	0.99	3.0
9SRE										
	RX-7	THM/PMP/ / / /CAN	70-4	M-5	2750	3.91	0.62	7.4	1.8	2.5
TOYOTA - FAMILY COMBINATIONS CERTIFIED:										
			ENGINE FAMILY TEST VEHICLES							
2T-C(C) / EV-T										
(97)										
C COROLLA	C COROLLA	EGR/PMP/0X0/ / /CAN	97-02	A-3	2500	4.10	0.25	5.3	0.84	N/A
C COROLLA WAGON	C COROLLA WAGON	EGR/PMP/0X0/ / /CAN	97-02	A-3	2500	4.10	0.29	6.1	0.88	N/A
COROLLA WAGON	C COROLLA	EGR/PMP/0X0/ / /CAN	97-2	M-4	2500	3.91	0.23	2.4	0.90	N/A
	C COROLLA	EGR/PMP/0X0/ / /CAN	97-02	M-5	2500	4.10	0.24	2.4	0.99	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/0X0/ / /	FAMILY 2T-C(C)				: 1.204	1.288	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-T				: N/A	N/A	N/A	0.0)
2T-C(F) / EV-T										
(97)										
COROLLA	COROLLA	EGR/PLS/0X0/ / /CAN	97-02	A-3	2500	4.10	0.54	9.6	1.4	N/A
COROLLA WAGON	COROLLA WAGON	EGR/PLS/0X0/ / /CAN	97-02	A-3	2500	4.10	0.50	8.5	1.4	N/A
	COROLLA	EGR/PLS/0X0/ / /CAN	97-02	M-4	2500	3.73	0.41	4.8	1.5	N/A
	COROLLA	EGR/PLS/0X0/ / /CAN	97-02	M-5	2500	3.91	0.61	9.9	1.4	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/0X0/ / /	FAMILY 2T-C(F)				: 1.173	1.269	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-T				: N/A	N/A	N/A	0.0)
20R(V) / EV-R										
(134)										
CORONA	C CORONA WAGON	EGR/PMP/0X0/ / /CAN	134-02	A-3	3000	3.73	0.19	2.9	1.3	2.3 *
CORONA WAGON	C CELICA	EGR/PMP/0X0/ / /CAN	134-02	A-3	3000	3.73	0.36	2.2	1.4	N/A
CELICA	C CELICA	EGR/PMP/0X0/ / /CAN	134-02	M-4	3000	3.58	0.35	3.1	1.1	N/A
C CORONA	C CORONA	EGR/PMP/0X0/ / /CAN	134-02	M-4	3000	3.58	0.25	2.6	0.81	2.5 *
C CORONA WAGON	CELICA	EGR/PMP/0X0/ / /CAN	134-02	M-5	3000	3.58	0.41	3.6	1.3	N/A
C CELICA	C CELICA	EGR/PMP/0X0/ / /CAN	134-02	M-5	3000	3.58	0.42	3.1	1.0	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/0X0/ / /	FAMILY 20R(V)				: 1.102	1.035	1.093	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-R				: N/A	N/A	N/A	0.148)
3K-C(F) / EV-K										
(71)										
COROLLA	COROLLA	EGR/PLS/0X0/ / /CAN	71-02	M-4	2250	3.91	0.93	8.6	1.3	N/A
	COROLLA	EGR/PLS/0X0/ / /CAN	71-02	M-5	2250	4.10	0.91	7.1	1.5	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/0X0/ / /	FAMILY 3K-C(F)				: 1.829	1.284	1.013	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-K				: N/A	N/A	N/A	0.0)
4M / EV-M										
(156)										
CRESSIDA	C CRESSIDA WAGON	EGR/PMP/0X0/ / /CAN	156-02	A-4	3000	3.91	0.21	3.4	1.1	2.5 *

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
TOYOTA - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
4M / EV-M (CONT.)										
C CRESSIDA	C CRESSIDA WAGON	EGR/PMP/OXD/ / /CAN	156-02	A-4	3000	3.91	0.26	3.9	1.3	N/A
C CRESSIDA WAGON	C CRESSIDA	EGR/PMP/OXD/ / /CAN	156-02	A-4	3000	3.91	0.21	3.0	1.1	2.7 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 4M				: 1.000	1.105	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-M				: N/A	N/A	N/A	0.025)
4M-E / EV-ME (156)										
SUPRA	C CELICA	FI /EGR/3WY/ / /CAN	156-FI	A-4	3000	3.91	0.16	2.0	0.35	0.82 *
C SUPRA	C CELICA	FI /EGR/3WY/ / /CAN	156-FI	M-5	3000	3.91	0.21	2.6	0.72	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/3WY/ / /	FAMILY 4M-E				: 1.234	1.521	1.102	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-ME				: N/A	N/A	N/A	0.285)
TOYOTA - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
EV-K										
	COROLLA	EGR/PLS/OXD/ / /CAN	71-2	M-4	2250	3.91	0.60	6.8	1.2	1.1
EV-M										
	C CRESSIDA	EGR/PMP/OXD/ / /CAN	156-02	A-4	3000	3.91	0.21	3.0	1.1	2.7
	C CRESSIDA WAGON	EGR/PMP/OXD/ / /CAN	156-02	A-4	3000	3.91	0.21	3.4	1.1	2.5
EV-ME										
	C CELICA	FI /EGR/3WY/ / /CAN	156-FI	A-4	3000	3.91	0.16	2.0	0.35	0.82
EV-R										
	C CORONA WAGON	EGR/PMP/OXD/ / /CAN	134-02	A-3	3000	3.73	0.19	2.9	1.3	2.3
	C CORONA	EGR/PMP/OXD/ / /CAN	134-02	M-4	3000	3.58	0.25	2.6	0.81	2.5
EV-T										
	COROLLA WAGON	EGR/PMP/OXD/ / /CAN	97-2	A-3	2500	4.10	0.56	6.2	1.4	1.7
	COROLLA	EGR/PMP/OXD/ / /CAN	97-2	M-4	2500	3.73	1.1	6.8	1.3	1.2
	COROLLA	EGR/PMP/OXD/ / /CAN	97-2	M-5	2500	3.91	0.87	5.9	1.5	1.4
TVR - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
TVR 3000M / SD1 (182)										
TVR	TVR	EGR/PLS/OXD/ / /CAN	182-2	M-4	2500	3.31	1.1	5.8	1.4	2.3 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY TVR 3000M				: 1.900	1.700	1.200	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY SD1				: N/A	N/A	N/A	0.0)
TVR - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
SD1										*
	TVR	EGR/PLS/OXD/ / /CAN	182-2	M-4	2500	3.31	1.1	5.8	1.4	2.3
VOLKSWAGEN - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
DASHER C / DASHER (97)										
C DASHER	C DASHER WAGON	FI /EGR/OXD/ / /CAN	97-FI	A-3	2500	3.91	0.16	1.1	1.1	1.2 *
C DASHER WAGON	C FOX	FI /EGR/OXD/ / /CAN	97-FI	M-4	2500	4.11	0.18	1.6	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY DASHER C				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY DASHER				: N/A	N/A	N/A	0.0)
DASHER F / DASHER (97)										
DASHER	FOX	FI /EGR/ / / /CAN	97-FI	A-3	2500	3.91	1.2	6.0	1.4	N/A
DASHER WAGON	DASHER	FI /EGR/ / / /CAN	97-FI	M-4	2500	4.11	1.2	6.2	1.6	0.98 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/ / / /	FAMILY DASHER F				: 1.000	1.221	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY DASHER				: N/A	N/A	N/A	0.0)
1 / K (97)										
BEETLE CONVERTIBLE	BEETLE CONVERTIBLE	FI /EGR/ / / /CAN	97-FI	M-4	2500	3.86	1.5	9.6	1.3	N/A

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
VOLKSWAGEN - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
1 / K (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/ / / /	FAMILY 1				: 1.099	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY K				: N/A	N/A	N/A	0.0)
2 / K										
(97)										
C BEETLE CONVERTIBLEC BEETLF CONVERTIBLF		FI /EGR/OXD/ / /CAN	97-FI	M-4	2500	3.88	0.45	6.0	0.78	1.2 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY 2				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY K				: N/A	N/A	N/A	0.0)
37C / 37										
(89, 97)										
C RABBIT	C RABBIT	FI /EGR/OXD/ / /CAN	89-FI	A-3	2250	3.76	0.16	2.5	1.2	N/A
C SCIROCCO	C RABBIT	FI /EGR/OXD/ / /CAN	97-FI	A-3	2250	3.76	0.14	1.1	1.3	1.5 *
	C RABBIT	FI /EGR/OXD/ / /CAN	97-FI	M-4	2250	3.90	0.14	1.9	1.2	N/A
	C RABBIT	FI /EGR/OXD/ / /CAN	97-FI	M-5	2250	3.90	0.11	1.5	1.2	1.5 *
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY 37C				: 1.012	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 37				: N/A	N/A	N/A	0.0)
37F / 37										
(89, 97)										
RABBIT	RABBIT	FI /EGR/ / / /CAN	89-FI	A-3	2250	3.76	1.3	7.3	1.7	N/A
SCIROCCO	RABBIT	FI /EGR/ / / /CAN	97-FI	A-3	2250	3.76	1.0	3.9	1.3	N/A
	RABBIT	FI /EGR/ / / /CAN	97-FI	M-4	2250	3.90	1.3	7.8	1.7	0.72 *
	RABBIT	FI /EGR/ / / /CAN	97-FI	M-5	2250	3.90	1.1	5.9	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/ / / /	FAMILY 37F				: 1.000	1.221	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 37				: N/A	N/A	N/A	0.0)
47 / M										
(89, 97)										
RABBIT	RABBIT	EGR/PMP/OXD/ / /CAN	89-1	A-3	2250	3.76	0.20	3.2	1.6	N/A
	RABBIT	EGR/PMP/OXD/ / /CAN	97-1	M-4	2250	3.90	0.31	5.0	0.87	N/A
	RABBIT	EGR/PMP/OXD/ / /CAN	97-1	M-5	2250	3.90	0.27	4.5	1.1	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 47				: 1.000	1.000	1.014	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY M				: N/A	N/A	N/A	0.0)
VOLKSWAGEN - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
DASHER										
	C DASHER WAGON	FI /EGR/OXD/ / /CAN	97-FI	A-3	2500	3.91	0.14	1.1	1.1	1.2
	DASHER	FI /EGR/ / / /CAN	97-FI	M-4	2500	4.11	1.2	6.2	1.6	0.98
K										
	C BEETLF CONVERTIBLF	FI /EGR/OXD/ / /CAN	97-FI	M-4	2500	3.88	0.45	6.0	0.78	1.2
	BEETLF CONVERTIBLF	FI /EGR/ / / /CAN	97-FI	M-4	2500	3.88	1.5	1[illegible]	1.3	1.4
M										
	RABBIT	EGR/PMP/OXD/ / /CAN	89-1	M-4	2250	3.90	0.35	3.8	1.1	4.5
37										
	C RABBIT	FI /EGR/OXD/ / /CAN	97-FI	A-3	2250	3.76	0.14	1.1	1.3	1.5
	RABBIT	FI /EGR/ / / /CAN	97-FI	M-4	2250	3.90	1.3	7.8	1.7	0.72
	C RABBIT	FI /EGR/OXD/ / /CAN	97-FI	M-5	2250	3.90	0.11	1.5	1.2	1.5
VOLVO - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
4CL / E1										
(130)										
C VOLVO SEDAN	C VOLVO SEDAN	FI /3WY/CLS/ / /CAN	130-FI	A-3	3500	3.73	0.22	3.2	0.22	N/A
C VOLVO STAT WGN	C VOLVO SEDAN	FI /3WY/CLS/ / /CAN	130-FI	M-4	3000	3.91	0.34	4.1	0.74E-01	N/A
	C VOLVO STAT WGN	FI /3WY/CLS/ / /CAN	130-FI	M-4	3500	3.91	0.21	2.8	0.13	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/ / /	FAMILY 4CL				: 1.000	1.070	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY F1				: N/A	N/A	N/A	0.0)
4FA / E1										
(130)										
VOLVO SEDAN	VOLVO SEDAN	FI /EGR/OXD/ / /CAN	130-FI	A-3	3500	3.73	0.43	5.7	1.4	4.1 *

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1979 MODEL YEAR LIGHT-DUTY VEHICLES

MANUFACTURER / ENGINE FAMILY/EVAP-FMISS FAM (CUBIC INCH DISPLACEMENT) CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST FMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
VOLVO - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
4FA / E1 (CONT.)										
VOLVO STAT WGN	VOLVO SEDAN	FI /EGR/OXD/ / /CAN	130-FI	M-4	3000	3.91	0.42	9.2	0.85	N/A
	VOLVO STAT WGN	FI /EGR/OXD/ / /CAN	130-FI	M-5	3500	3.91	0.47	5.5	1.8	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY 4FA				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E1				: N/A	N/A	N/A	0.0)
6CL / E1 (163)										
C VOLVO SEDAN	C VOLVO SEDAN	FI /3WY/CLS/ / /CAN	163-FI	A-3	3500	3.54	0.30	4.1	0.74	1.6 *
C VOLVO STAT WGN	C VOLVO STAT WGN	FI /3WY/CLS/ / /CAN	163-FI	M-4	3500	3.73	0.44	4.4	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/ / /	FAMILY 6CL				: 1.049	1.212	1.842	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E1				: N/A	N/A	N/A	0.0)
VOLVO - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
E1										
	VOLVO SEDAN	FI /EGR/OXD/ / /CAN	130-FI	A-3	3500	3.73	0.43	5.7	1.4	4.1
C VOLVO SEDAN		FI /3WY/CLS/ / /CAN	163-FI	A-3	3500	3.54	0.30	4.1	0.74	1.6
AMERICAN MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
I-3T / E-2-T (258)										
JEEP(CJ-5/CJ-7)	DJ5F	EGR/PMP/OXD/ / /CAN	258-2	A-3	3000	3.07	0.71	14.	1.4	1.3 *
DJ5F	CHEROKEE/WAGONEER	EGR/PMP/OXD/ / /CAN	258-2	A-3	4500	3.07	0.48	7.7	1.5	3.9 *
CHEROKEE/WAGONEER	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	258-2	A-3	3000	3.07	0.61	14.	0.91	1.8 *
J10 PICKUP	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	258-2	M-3	3000	3.07	0.76	13.	1.4	N/A
	J10 PICKUP	EGR/PMP/OXD/ / /CAN	258-2	M-3	4000	3.07	0.96	17.	1.2	2.5 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY I-3T				: 1.385	1.418	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-2-T				: N/A	N/A	N/A	0.0)
I-3TCB / E-2-T(3) (258)										
C JEEP(CJ-5/CJ-7)	C DJ5F	EGR/PMP/OXD/ / /CAN	258-2	A-3	3000	3.07	0.31	7.5	0.94	1.1 *
C DJ5F	C JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	258-2	A-3	3000	3.54	0.16	2.8	1.3	N/A
	C JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	258-2	M-3	3000	3.07	0.35	4.1	0.91	1.5 *
	C JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	258-2	M-4	3000	3.54	0.34	5.4	1.4	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY I-3TCB				: 1.012	1.083	1.200	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-2-T(3)				: N/A	N/A	N/A	0.0)
II-T / E-4-T (304)										
JEEP(CJ-5/CJ-7)	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	304-2	A-3	3500	3.54	0.84	10.	1.9	N/A
	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	304-2	A-3	3500	3.07	0.85	9.1	2.2	N/A
	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	304-2	M-3	3500	3.07	1.3	13.	1.6	N/A
	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	304-2	M-3	3500	3.54	0.92	8.5	1.9	1.2 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY II-T				: 1.376	1.068	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-4-T				: N/A	N/A	N/A	0.0)
II-TC-C/O / E-4-T(2) (304)										
C JEEP(CJ-5/CJ-7)	C JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	304-2	M-3	3500	3.54	0.29	2.6	1.9	N/A
	C JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	304-2	M-3	3500	3.54	0.26	1.7	2.0	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY II-TC-C/O				: 1.000	1.000	1.310	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-4-T(2)*				: N/A	N/A	N/A	0.0)

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1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S.	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
AMERICAN MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
III-TCD / E-4-T(1) (260,360)										
C CHEROKEE/WAGONEER	C CHEROKEE/WAGONEER	EGR/PMP/OXD/ / /CAN	260-2	A-3	4500	3.07	0.54	9.3	1.4	3.9 *
C J10 PICKUP	C J20 PICKUP	EGR/PMP/OXD/ / /CAN	360-2	A-3	5000	3.54	0.74	12.	2.3	2.3 *
C J20 PICKUP	CHEROKEE/WAGONEER	EGR/PMP/OXD/ / /CAN	360-2	M-3	4500	3.54	0.77	9.7	1.8	N/A
	CHEROKEE/WAGONEER	EGR/PMP/OXD/ / /CAN	360-2	M-3	4500	3.07	0.74	13.	1.7	N/A
	J20 PICKUP	EGR/PMP/OXD/ / /CAN	360-2	M-4	4500	3.54	0.88	11.	2.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY III-TCD				: 1.000	1.000	1.033	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-4-T(1)				: N/A	N/A	N/A	0.0)
V-T / E-3-T (121)										
DJ5F	DJ5F	EGR/PMP/OXD/ / /CAN	121-2	A-3	2750	3.73	0.30	5.4	1.6	0.90 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY V-T				: 1.245	1.063	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY E-3-T				: N/A	N/A	N/A	0.0)
AMERICAN MOTORS - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
E-2-T										
	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	258-2	A-3	3000	3.07	0.61	14.	0.91	1.8
	DJ5F	EGR/PMP/OXD/ / /CAN	258-2	A-3	3000	3.07	0.71	14.	1.4	1.3
	CHEROKEE/WAGONEER	EGR/PMP/OXD/ / /CAN	258-2	A-3	4500	3.07	0.44	7.7	1.5	3.9
	J10 PICKUP	EGR/PMP/OXD/ / /CAN	258-2	M-3	4000	3.07	0.96	17.	1.2	2.5
E-2-T(3)										
C DJ5F		EGR/PMP/OXD/ / /CAN	258-2	A-3	3000	3.07	0.31	7.5	0.94	1.1
C JEEP(CJ-5/CJ-7)		EGR/PMP/OXD/ / /CAN	258-2	M-3	3000	3.07	0.35	4.1	0.91	1.5
E-3-T										
	DJ5F	EGR/PMP/OXD/ / /CAN	121-2	A-3	2750	3.73	0.30	5.4	1.6	0.90
E-4-T										
	JEEP(CJ-5/CJ-7)	EGR/PMP/OXD/ / /CAN	304-2	M-3	3500	3.54	0.92	8.5	1.9	1.2
E-4-T(1)										
C CHEROKEE/WAGONEER		EGR/PMP/OXD/ / /CAN	260-2	A-3	4500	3.07	0.54	9.3	1.4	3.9
C J20 PICKUP		EGR/PMP/OXD/ / /CAN	360-2	A-3	5000	3.54	0.74	12.	2.3	2.3
E-4-T(2)										
C JEEP(CJ-5/CJ-7)		EGR/PMP/OXD/ / /CAN	304-2	M-3	3500	3.54	0.44	2.3	1.9	2.0
CHRYSLER - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
9TD-225-1-CP / 9K-13 (225)										
VAN	UTILITY	EGR/PMP/OXD/ / /CAN	225-1	L-3	4000	3.55	0.82	12.	1.2	2.3 *
VAN	VAN	EGR/PMP/OXD/ / /CAN	225-1	M-4	4000	3.55	1.7	3.8	1.8	1.6 *
UTILITY										
UTILITY										
UTILITY 4X4										
UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-225-1-CP				: 1.241	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-13				: N/A	N/A	N/A	1.007)
9TD-225-1-CP / 9K-5/1 (225)										
PICKUP	PICKUP	EGR/PMP/OXD/ / /CAN	225-1	M-3	4000	3.55	1.7	10.	1.5	4.4 *
PICKUP 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-225-1-CP				: 1.241	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-5/1				: N/A	N/A	N/A	1.007)
9TD-225-1-CP / 9K-9/1 (225)										
VAN	VAN	EGR/PMP/OXD/ / /CAN	225-01	A-3	4500	4.10	0.69	8.6	1.9	2.2 *
VAN	PICKUP	EGR/PMP/OXD/ / /CAN	225-01	M-4	4500	3.55	0.88	7.2	2.1	3.3 *
PICKUP										
PICKUP 4X4										
UTILITY										
UTILITY										
UTILITY 4X4										
UTILITY 4X4										

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1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-FMISS FAM / (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
CHRYSLER - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
9TD-225-1-CP / 9K-9/1 (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-225-1-CP				: 1.241	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-9/1				: N/A	N/A	N/A	1.007)
9TD-318-2-CA / 9K-10/2										
(318)										
VAN	VAN	EGR/PLS/OXD/ /	/CAN 318-2	M-4	4500	3.55	0.90	14.	1.3	2.2 *
PICKUP	PICKUP	EGR/PLS/OXD/ /	/CAN 318-2	M-4	5000	4.10	1.1	15.	1.7	3.3 *
UTILITY										
UTILITY										
VAN										
PICKUP 4X4										
UTILITY 4X4										
UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9TD-318-2-CA				: 1.000	1.116	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-10/2				: N/A	N/A	N/A	0.380)
9TD-318-2-CA / 9K-2/2										
(318)										
VAN	VAN	EGR/PLS/OXD/ /	/CAN 318-02	A-3	4500	3.21	0.54	6.4	2.0	2.3 *
UTILITY	UTILITY	EGR/PLS/OXD/ /	/CAN 318-02	L-3	4000	2.94	0.59	7.4	2.1	2.5 *
UTILITY										
VAN										
UTILITY 4X4										
UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9TD-318-2-CA				: 1.000	1.116	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-2/2				: N/A	N/A	N/A	0.380)
9TD-318-2-CA / 9K-6/2										
(318)										
PICKUP	PICKUP	EGR/PLS/OXD/ /	/CAN 318-02	M-3	4000	3.21	1.1	15.	1.6	3.1 *
PICKUP 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9TD-318-2-CA				: 1.000	1.116	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-6/2				: N/A	N/A	N/A	0.380)
9TD-318-4-BP / 9K-12/1										
(318)										
C VAN	C PICKUP	EGR/PMP/OXD/ /	/CAN 318-4	L-3	4000	2.94	0.44	8.1	1.5	3.4 *
C VAN	C VAN	EGR/PMP/OXD/ /	/CAN 318-04	L-3	4500	2.94	0.43	4.8	1.9	3.4 *
C PICKUP										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-318-4-BP				: 1.340	1.210	1.066	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-12/1				: N/A	N/A	N/A	0.711)
9TD-318-4-BP / 9K-4/1										
(318)										
C VAN	C VAN	EGR/PMP/OXD/ /	/CAN 318-04	L-3	4000	2.94	0.21	3.3	1.7	1.8 *
C VAN										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-318-4-BP				: 1.340	1.210	1.066	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-4/1				: N/A	N/A	N/A	0.0)
9TD-318-4-BP / 9K-8/1										
(318)										
C PICKUP	C PICKUP	EGR/PMP/OXD/ /	/CAN 318-04	L-3	4000	2.94	0.39	6.3	2.0	3.7 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-318-4-BP				: 1.340	1.210	1.066	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-8/1				: N/A	N/A	N/A	1.120)
9TD-318/360-4-CP / 9K-12/2										
(318,360)										
C VAN	C VAN	EGR/PMP/OXD/ /	/CAN 318-4	A-3	4500	3.21	0.51	4.7	1.9	2.8 *
C VAN	C VAN	EGR/PMP/OXD/ /	/CAN 318-4	M-4	5000	3.55	0.65	8.2	2.0	2.5 *
C PICKUP	C PICKUP	EGR/PMP/OXD/ /	/CAN 360-04	M-4	5000	4.10	0.79	11.	1.7	3.5 *
C PICKUP 4X4										
C UTILITY										
C UTILITY										
C UTILITY 4X4										
C UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-318/360-4-CP				: 1.405	1.202	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN FAMILY 9K-12/2				: N/A	N/A	N/A	0.711)

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1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
CHRYSLER - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
9TD-318/360-4-CP / 9K-4/2 (318,360)										
C VAN	C PICKUP	EGR/PMP/OXD/ / /CAN	318-4	A-3	5000	3.21	0.54	11.	2.1	2.5 *
C VAN	C VAN	EGR/PMP/OXD/ / /CAN	360-4	A-3	4500	3.21	0.44	11.	1.8	2.0 *
C UTILITY										
C UTILITY										
C UTILITY 4X4										
C UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-318/360-4-CP				: 1.405	1.202	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-4/2				: N/A	N/A	N/A	0.0)
9TD-318/360-4-CP / 9K-8/2 (360)										
C PICKUP	C PICKUP	EGR/PMP/OXD/ / /CAN	360-4	M-4	5000	4.10	0.81	11.	1.4	4.5 *
C PICKUP 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-318/360-4-CP				: 1.405	1.202	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-8/2				: N/A	N/A	N/A	1.120)
9TD-360-2-CP / 9K-11 (360)										
VAN	VAN	EGR/PMP/OXD/ / /CAN	360-2	M-3	5000	3.55	0.89	10.	1.6	3.2 *
VAN	PICKUP	EGR/PMP/OXD/ / /CAN	360-2	M-4	5500	4.10	0.92	9.5	2.2	4.2 *
PICKUP										
PICKUP 4X4										
UTILITY										
UTILITY										
UTILITY 4X4										
UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-360-2-CP				: 1.208	1.000	1.155	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-11				: N/A	N/A	N/A	1.255)
9TD-360-2-CP / 9K-14 (360)										
VAN	VAN	EGR/PMP/OXD/ / /CAN	360-2	A-3	4500	3.21	0.64	9.6	1.6	2.2 *
VAN										
UTILITY										
UTILITY										
9TD-360-2-CP / 9K-14 (CONT.)										
UTILITY 4X4										
UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-360-2-CP				: 1.208	1.000	1.155	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-14				: N/A	N/A	N/A	1.255)
9TD-360-2-CP / 9K-7 (360)										
PICKUP	PICKUP	EGR/PMP/OXD/ / /CAN	360-02	M-4	4500	3.55	1.2	9.1	1.8	4.9 *
PICKUP 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9TD-360-2-CP				: 1.208	1.000	1.155	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-7				: N/A	N/A	N/A	1.255)
9TD-360-4-DA / 9K-8/3 (360)										
PICKUP	PICKUP	EGR/PLS/OXD/ / /CAN	360-4	A-3	4500	3.55	1.1	18.	2.0	4.2 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9TD-360-4-DA				: 1.053	1.028	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9K-8/3				: N/A	N/A	N/A	1.120)
CHRYSLER - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
9K-10/2										
	PICKUP	EGR/PLS/OXD/ / /CAN	318-2	M-4	5000	4.10	1.1	15.	1.7	3.3
	VAN	EGR/PLS/OXD/ / /CAN	318-2	M-4	4500	3.55	0.90	14.	1.3	2.2
9K-11										
	VAN	EGR/PMP/OXD/ / /CAN	360-2	M-3	5000	3.55	0.89	10.	1.6	3.2
	PICKUP	EGR/PMP/OXD/ / /CAN	360-2	M-4	5500	4.10	0.92	9.5	2.2	4.2
9K-12/1										
	C PICKUP	EGR/PMP/OXD/ / /CAN	318-4	L-3	4000	2.94	0.44	8.1	1.5	3.4
	C VAN	EGR/PMP/OXD/ / /CAN	318-04	L-3	4500	2.94	0.43	4.8	1.9	3.4
9K-12/2										
	C VAN	EGR/PMP/OXD/ / /CAN	318-4	A-3	4500	3.21	0.51	4.7	1.9	2.8

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1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
CHRYSLER - EVAP-EMISSION FAMILIES:		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
9K-12/2 (CONT.)										
	C VAN	EGR/PMP/OXD/ / /CAN	318-4	M-4	5000	3.55	0.65	8.2	2.0	2.5
	C PICKUP	EGR/PMP/OXD/ / /CAN	360-04	M-4	5000	4.10	0.79	11.	1.7	3.5
9K-13										
	UTILITY	EGR/PMP/OXD/ / /CAN	225-1	L-3	4000	3.55	0.82	12.	1.2	2.3
	VAN	EGR/PMP/OXD/ / /CAN	225-1	M-4	4000	3.55	1.7	3.8	1.8	1.6
9K-14										
	VAN	EGR/PMP/OXD/ / /CAN	360-2	A-3	4500	3.21	0.68	9.6	1.6	2.2
9K-2/2										
	VAN	EGR/PLS/OXD/ / /CAN	318-02	A-3	4500	3.21	0.54	6.4	2.0	2.3
	UTILITY	EGR/PLS/OXD/ / /CAN	318-02	L-3	4000	2.94	0.59	7.4	2.1	2.5
9K-4/1										
	C VAN	EGR/PMP/OXD/ / /CAN	318-04	L-3	4000	2.94	0.21	3.3	1.7	1.8
9K-4/2										
	C PICKUP	EGR/PMP/OXD/ / /CAN	318-4	A-3	5000	3.21	0.58	11.	2.1	2.5
	C VAN	EGR/PMP/OXD/ / /CAN	360-4	A-3	4500	3.21	0.44	11.	1.8	2.0
9K-5/1										
	PICKUP	EGR/PMP/OXD/ / /CAN	225-1	M-3	4000	3.55	1.7	10.	1.5	4.4
9K-6/2										
	PICKUP	EGR/PLS/OXD/ / /CAN	318-02	M-3	4000	3.21	1.1	10.	1.6	3.1
9K-7										
	PICKUP	EGR/PMP/OXD/ / /CAN	360-02	M-4	4500	3.55	1.2	9.1	1.8	4.9
9K-8/1										
	C PICKUP	EGR/PMP/OXD/ / /CAN	318-04	L-3	4000	2.94	0.39	6.3	2.0	3.7
9K-8/2										
	C PICKUP	EGR/PMP/OXD/ / /CAN	360-4	M-4	5000	4.10	0.81	11.	1.4	4.5
9K-8/3										
	PICKUP	EGR/PLS/OXD/ / /CAN	360-4	A-3	4500	3.55	1.1	18.	2.0	4.2
9K-9/1										
	VAN	EGR/PMP/OXD/ / /CAN	225-01	A-3	4500	4.10	0.69	8.6	1.9	2.2
	PICKUP	EGR/PMP/OXD/ / /CAN	225-01	M-4	4500	3.55	0.88	7.2	2.1	3.3
FORD - FAMILY COMBINATIONS CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
T4.981X150 / TA										
(300)										
PICKUP	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	300-01	A-3	4500	3.25	0.49	4.3	1.7	N/A
VAN (ECO/CLUB WG)	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	300-1	A-3	5000	3.73	0.61	7.9	1.5	N/A
PICKUP 4X4	PICKUP	EGR/PMP/OXD/ / /CAN	300-1	M-3	4000	2.75	0.80	14.	1.3	1.9 *
C PICKUP	PICKUP	EGR/PMP/OXD/ / /CAN	300-01	M-3	5000	4.10	0.96	7.3	2.2	N/A
C VAN (ECO/CLUB WG)	PICKUP 4x4	EGR/PMP/OXD/ / /CAN	300-01	M-4	4500	3.50	0.76	9.9	1.3	5.3 *
	C PICKUP	EGR/PMP/OXD/ / /CAN	300-1	M-4	4000	2.75	0.69	14.	1.0	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T4.981X150				: 1.155	1.000	1.021	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TA				: N/A	N/A	N/A	0.317)
T4.981X150 / TM										
(300)										
PICKUP	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	300-1	A-3	5000	3.73	0.61	7.9	1.5	N/A
VAN (ECO/CLUB WG)	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	300-01	A-3	4500	3.25	0.49	4.3	1.7	N/A
PICKUP 4X4	PICKUP	EGR/PMP/OXD/ / /CAN	300-01	M-3	5000	4.10	0.96	7.3	2.2	1.5 *
C PICKUP	PICKUP	EGR/PMP/OXD/ / /CAN	300-1	M-3	4000	2.75	0.80	14.	1.3	N/A
C VAN (ECO/CLUB WG)	C PICKUP	EGR/PMP/OXD/ / /CAN	300-1	M-4	4000	2.75	0.68	14.	1.0	2.0 *
	PICKUP 4x4	EGR/PMP/OXD/ / /CAN	300-01	M-4	4500	3.50	0.76	9.9	1.3	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T4.981X150				: 1.155	1.000	1.021	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TM				: N/A	N/A	N/A	0.129)
T5.081X150 / TD										
(302)										
PICKUP	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	302-2	A-3	5000	3.73	0.56	6.6	1.7	N/A
VAN (ECO/CLUB WG)	PICKUP	EGR/PMP/OXD/ / /CAN	302-02	A-3	4000	2.75	0.69	9.3	1.8	2.8 *
C PICKUP	C PICKUP	EGR/PMP/OXD/ / /CAN	302-02	A-3	4000	3.25	0.29	1.2	1.6	N/A
C VAN (ECO/CLUB WG)	PICKUP	EGR/PMP/OXD/ / /CAN	302-02	M-3	4500	3.25	0.90	9.3	2.0	N/A
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	302-02	M-4	4000	2.75	0.71	8.7	1.9	4.5 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T5.081X150				: 1.170	1.161	1.193	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TD				: N/A	N/A	N/A	0.868)
T5.081X150 / TN										
(302)										
PICKUP	C PICKUP	EGR/PMP/OXD/ / /CAN	302-02	A-3	4000	3.25	0.29	1.2	1.6	N/A
VAN (ECO/CLUB WG)	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	302-2	A-3	5000	3.73	0.56	6.6	1.7	2.7 *
C PICKUP	PICKUP	EGR/PMP/OXD/ / /CAN	302-02	A-3	4000	2.75	0.69	9.3	1.8	N/A

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS: A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM / (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
FORD - FAMILY COMBINATIONS CERTIFIED:										
		ENGINE FAMILY TEST VEHICLES								
T5.0B1X150 / TN (CONT.)										
C VAN (ECO/CLUB WG)	PICKUP	EGR/PMP/OXD/ / /CAN	302-02	M-3	4500	3.25	0.90	9.3	2.0	2.0 *
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	302-02	M-4	4000	2.75	0.71	8.7	1.9	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T5.0B1X150				: 1.170	1.161	1.193	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TN				: N/A	N/A	N/A	0.0)
T5.8M/6.6B1X128 / TD										
(351.400)										
PICKUP	C PICKUP	EGR/PMP/OXD/ / /CAN	351-02	A-3	4500	2.75	0.33	3.5	1.5	N/A
PICKUP 4X4	C PICKUP 4x4	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	3.50	0.33	5.4	1.6	3.1 *
C PICKUP	PICKUP	EGR/PMP/OXD/ / /CAN	351-02	M-4	4500	3.00	0.64	5.9	1.7	N/A
C PICKUP 4X4	BRONCO	EGR/PMP/OXD/ / /CAN	351-02	M-4	5000	4.11	0.51	3.5	2.1	2.5 *
	C PICKUP 4x4	EGR/PMP/OXD/ / /CAN	400-02	A-3	5000	3.50	0.30	4.1	1.3	N/A
	PICKUP 4x4	EGR/PMP/OXD/ / /CAN	400-02	M-4	5500	3.54	0.70	13.	1.4	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T5.8M/6.6B1X128				: 1.000	1.000	1.060	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TD				: N/A	N/A	N/A	0.86R)
T5.8M/6.6B1X128 / TN										
(351.400)										
PICKUP	C PICKUP 4x4	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	3.50	0.33	5.4	1.6	N/A
PICKUP 4X4	C PICKUP	EGR/PMP/OXD/ / /CAN	351-02	A-3	4500	2.75	0.33	3.5	1.5	N/A
C PICKUP	PICKUP	EGR/PMP/OXD/ / /CAN	351-02	M-4	4500	3.00	0.64	5.9	1.7	2.9 *
C PICKUP 4X4	BRONCO	EGR/PMP/OXD/ / /CAN	351-02	M-4	5000	4.11	0.51	3.5	2.1	N/A
	C PICKUP 4x4	EGR/PMP/OXD/ / /CAN	400-02	A-3	5000	3.50	0.30	4.1	1.3	2.6 *
	PICKUP 4x4	EGR/PMP/OXD/ / /CAN	400-02	M-4	5500	3.54	0.70	13.	1.4	3.1 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T5.8M/6.6B1X128				: 1.000	1.000	1.060	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TN				: N/A	N/A	N/A	0.0)
T5.8WD1X150 / TD										
(351)										
VAN (ECO/CLUB WG)	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	3.73	0.56	12.	1.3	N/A
	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	2.75	0.75	13.	1.4	N/A
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	4500	2.75	0.42	5.5	1.9	2.8 *
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	M-3	4500	3.25	0.57	9.3	1.6	2.4 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T5.8WD1X150				: 1.390	1.000	1.132	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TD				: N/A	N/A	N/A	0.86R)
T5.8WD1X150 / TN										
(351)										
VAN (ECO/CLUB WG)	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	4500	2.75	0.42	5.5	1.9	N/A
	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	2.75	0.75	13.	1.4	2.5 *
	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	3.73	0.56	12.	1.3	N/A
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	M-3	4500	3.25	0.57	9.3	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T5.8WD1X150				: 1.390	1.000	1.132	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TN				: N/A	N/A	N/A	0.0)
T7.5A1X150 / TP										
(460)										
PICKUP	C VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	460-04	A-3	6000	3.07	0.35	6.9	1.4	2.3 *
VAN (ECO/CLUB WG)	C PICKUP	EGR/PMP/OXD/ / /CAN	460-04	A-3	5000	3.54	0.35	4.6	1.5	4.7 *
	C PICKUP	EGR/PMP/OXD/ / /CAN	460-4	A-3	5500	4.10	0.64	4.8	2.2	2.8 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY T7.5A1X150				: 1.162	1.091	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY TP				: N/A	N/A	N/A	0.177)
FORD - EVAP-EMISSION FAMILIES:										
		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
TA										
	PICKUP	EGR/PMP/OXD/ / /CAN	300-1	M-3	4000	2.75	0.80	12.	1.3	1.9
	PICKUP 4x4	EGR/PMP/OXD/ / /CAN	300-01	M-4	4500	3.50	0.76	9.9	1.3	5.3
TD										
	PICKUP	EGR/PMP/OXD/ / /CAN	302-02	A-3	4000	2.75	0.69	9.3	1.8	2.8
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	302-02	M-4	4000	2.75	0.71	8.7	1.9	4.5
	C PICKUP 4x4	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	3.50	0.33	5.4	1.6	3.1
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	4500	2.75	0.42	5.5	1.9	2.8
	VAN (ECO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	M-3	4500	3.25	0.57	9.3	1.6	2.4
	BRONCO	EGR/PMP/OXD/ / /CAN	351-02	M-4	5000	4.11	0.51	3.5	2.1	2.5

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
FORD - EVAP-EMISSION FAMILIES:										
		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
TM										
	PICKUP	EGR/PMP/OXD/ / /CAN	300-01	M-3	5000	4.10	0.96	7.3	2.2	1.5
	C PICKUP	EGR/PMP/OXD/ / /CAN	300-1	M-4	4000	2.75	0.68	14.	1.0	2.0
TN										
	C VAN (FCO/CLUB WG)	EGR/PMP/OXD/ / /CAN	302-2	A-3	5000	3.73	0.56	6.6	1.7	2.7
	PICKUP	EGR/PMP/OXD/ / /CAN	302-02	M-3	4500	3.25	0.90	9.3	2.0	2.0
	C VAN (FCO/CLUB WG)	EGR/PMP/OXD/ / /CAN	351-02	A-3	5000	2.75	0.75	13.	1.4	2.5
	PICKUP	EGR/PMP/OXD/ / /CAN	351-02	M-4	4500	3.00	0.64	5.9	1.7	2.9
	C PICKUP 4X4	EGR/PMP/OXD/ / /CAN	400-02	A-3	5000	3.50	0.30	4.1	1.3	2.6
	PICKUP 4X4	EGR/PMP/OXD/ / /CAN	400-02	M-4	5500	3.54	0.70	13.	1.4	3.1
TP										
	C VAN (FCO/CLUB WG)	EGR/PMP/OXD/ / /CAN	460-04	A-3	6000	3.07	0.35	6.9	1.4	2.3
	C PICKUP	EGR/PMP/OXD/ / /CAN	460-04	A-3	5000	3.54	0.35	4.6	1.5	4.7
	C PICKUP	EGR/PMP/OXD/ / /CAN	460-4	A-3	5500	4.10	0.64	4.8	2.2	2.8
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:										
		ENGINE FAMILY TEST VEHICLES								
912F2 / 986-T (250)										
PICKUP	C CAB CHASSIS	EGR/PLS/OXD/OTR/ /CAN	250-2	A-3	5000	4.11	0.42	9.1	2.0	1.3 *
C PICKUP	CAB CHASSIS 4X4	EGR/PLS/OXD/OTR/ /CAN	250-2	A-3	5000	4.11	0.54	10.	2.3	N/A
PICKUP 4X4	C VAN	EGR/PLS/OXD/OTR/ /CAN	250-2	M-3	4000	4.11	0.50	5.1	1.8	1.9 *
VAN	PICKUP	EGR/PLS/OXD/OTR/ /CAN	250-2	M-3	4500	3.07	0.51	5.2	1.9	1.5 *
C VAN	CAB CHASSIS 4X4	EGR/PLS/OXD/OTR/ /CAN	250-2	M-4	5000	3.40	0.97	13.	2.3	N/A
UTILITY										
UTILITY 4X4										
SUBURBAN										
CAB CHASSIS										
C CAB CHASSIS										
CAB CHASSIS 4X4										
PICKUP										
C PICKUP										
PICKUP 4X4										
VAN										
C VAN										
UTILITY										
UTILITY 4X4										
SUBURBAN										
CAB CHASSIS										
C CAB CHASSIS										
CAB CHASSIS 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/OTR/ /	FAMILY 912F2				1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 986-T				N/A	N/A	N/A	0.0)
912F2 / 9C6-T (250)										
PICKUP	CAB CHASSIS 4X4	EGR/PLS/OXD/OTR/ /CAN	250-2	A-3	5000	4.11	0.54	10.	2.3	2.0 *
C PICKUP	C CAB CHASSIS	EGR/PLS/OXD/OTR/ /CAN	250-2	A-3	5000	4.11	0.42	9.1	2.0	N/A
PICKUP 4X4	PICKUP	EGR/PLS/OXD/OTR/ /CAN	250-2	M-3	4500	3.07	0.51	5.2	1.9	N/A
CAB CHASSIS	CAB CHASSIS 4X4	EGR/PLS/OXD/OTR/ /CAN	250-2	M-4	5000	3.40	0.97	13.	2.3	1.7 *
C CAB CHASSIS										
CAB CHASSIS 4X4										
PICKUP										
C PICKUP										
PICKUP 4X4										
UTILITY										
C UTILITY										
UTILITY 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/OTR/ /	FAMILY 912F2				1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9C6-T				N/A	N/A	N/A	0.0)
912K4 / 984-T (350,400)										
C PICKUP	C FORWARD CNTRL CHAS	EGR/PMP/OXD/OTR/ /CAN	350-4	A-3	6000	4.10	0.35	7.3	2.1	2.7 *
PICKUP	C PICKUP	EGR/PMP/OXD/OTR/ /CAN	350-4	A-3	4500	3.07	0.32	3.7	1.6	N/A
C PICKUP 4X4	C VAN	EGR/PMP/OXD/OTR/ /CAN	350-4	M-3	4500	3.73	0.38	2.8	2.2	N/A
C VAN	C UTILITY	EGR/PMP/OXD/OTR/ /CAN	350-4	M-4	5000	2.76	0.54	6.5	1.3	2.0 *
VAN	C SUBURBAN 4X4	EGR/PMP/OXD/OTR/ /CAN	400-4	A-3	5500	2.76	0.32	4.7	1.5	N/A
C UTILITY										
C UTILITY 4X4										
C SUBURBAN										
C SUBURBAN 4X4										
C CAB CHASSIS										

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM / (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTIBIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
912K4 / 9B4-T (CONT.)										
C CAB CHASSIS 4X4										
C FORWARD CNTRL CHAS										
C PICKUP										
PICKUP										
C PICKUP 4X4										
C VAN										
VAN										
C UTILITY										
C UTILITY 4X4										
C SUBURBAN										
C SUBURBAN 4X4										
C CAB CHASSIS										
C CAB CHASSIS 4X4										
C FORWARD CNTRL CHAS										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY 912K4			: 1.152	1.004	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 9B4-T			: N/A	N/A	N/A	0.0)
912K4 / 9C4-T										
(350)										
C PICKUP	C PICKUP	EGR/PMP/OXD/OTR/	/CAN	350-4	A-3	4500	3.07	0.32	3.7	1.6	N/A
PICKUP										
C PICKUP 4X4										
C CAB CHASSIS										
C CAB CHASSIS 4X4										
C PICKUP										
PICKUP										
C PICKUP 4X4										
C CAB CHASSIS										
C CAB CHASSIS 4X4										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/	/	FAMILY 912K4			: 1.152	1.004	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/	FAMILY 9C4-T			: N/A	N/A	N/A	-1.000)
912K4B / 9B4-T										
(350,400)										
PICKUP	PICKUP	EGR/OXD/OTR/	/	/CAN	350-4	A-3	5000	3.73	0.70	11.	2.3	2.4 *
PICKUP 4X4	PICKUP	EGR/OXD/OTR/	/	/CAN	350-4	M-3	4500	2.76	0.90	12.	1.9	N/A
VAN	CAB CHASSIS 4X4	EGR/OXD/OTR/	/	/CAN	350-4	M-4	5500	4.10	0.85	15.	2.2	2.1 *
UTILITY	SUBURBAN	EGR/OXD/OTR/	/	/CAN	350-4	M-4	5000	4.11	0.77	17.	1.9	3.6 *
UTILITY 4X4	CAB CHASSIS	EGR/OXD/OTR/	/	/CAN	400-4	A-3	6000	4.10	0.66	14.	2.1	N/A
SUBURBAN												
SUBURBAN 4X4												
CAB CHASSIS												
CAB CHASSIS 4X4												
PICKUP												
PICKUP 4X4												
VAN												
UTILITY												
UTILITY 4X4												
SUBURBAN												
SUBURBAN 4X4												
CAB CHASSIS												
CAB CHASSIS 4X4												
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTR/	/	/	FAMILY 912K4B			: 1.347	1.217	1.140	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 9B4-T			: N/A	N/A	N/A	0.0)
912K4B / 9C4-T										
(350,400)										
PICKUP	PICKUP	EGR/OXD/OTR/	/	/CAN	350-4	A-3	5000	3.73	0.70	11.	2.3	N/A
PICKUP 4X4	PICKUP	EGR/OXD/OTR/	/	/CAN	350-4	M-3	4500	2.76	0.90	12.	1.9	5.4 *
CAB CHASSIS	CAB CHASSIS 4X4	EGR/OXD/OTR/	/	/CAN	350-4	M-4	5500	4.10	0.85	15.	2.2	N/A
CAB CHASSIS 4X4	CAB CHASSIS	EGR/OXD/OTR/	/	/CAN	400-4	A-3	6000	4.10	0.66	14.	2.1	3.1 *
PICKUP												
PICKUP 4X4												
CAB CHASSIS												
CAB CHASSIS 4X4												
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTR/	/	/	FAMILY 912K4B			: 1.347	1.217	1.140	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / /	/CAN	FAMILY 9C4-T			: N/A	N/A	N/A	0.0)
912R4 / 9B4-T										
(454)										
C PICKUP	C CAB CHASSIS	EGR/PMP/OXD/OTR/	/CAN	454-4	A-3	6000	3.21	0.31	9.6	1.8	4.3 *
C SUBURBAN	C PICKUP	EGR/PMP/OXD/OTR/	/CAN	454-4	A-3	5500	3.21	0.28	4.8	1.8	N/A
C CAB CHASSIS	C CAB CHASSIS	EGR/PMP/OXD/OTR/	/CAN	454-4	A-3	6000	4.10	0.38	9.1	2.2	2.5 *
C PICKUP	C PICKUP	EGR/PMP/OXD/OTR/	/CAN	454-4	A-3	5000	2.76	0.33	5.9	1.5	2.9 *

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1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
912R4 / 984-T (CONT.)										
C SUBURBAN	C CAB CHASSIS	EGR/PMP/OXD/OTR/ /CAN	454-4	M-4	5500	4.10	0.50	7.8	1.9	N/A
C CAB CHASSIS										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/ /	FAMILY 912R4				: 1.100	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 984-T				: N/A	N/A	N/A	0.0)
912R4 / 9C4-T										
(454)										
C PICKUP	C PICKUP	EGR/PMP/OXD/OTR/ /CAN	454-4	A-3	5500	3.21	0.28	4.8	1.8	N/A
C CAB CHASSIS	C PICKUP	EGR/PMP/OXD/OTR/ /CAN	454-4	A-3	5000	2.76	0.33	5.9	1.5	N/A
C PICKUP	C CAB CHASSIS	EGR/PMP/OXD/OTR/ /CAN	454-4	A-3	6000	4.10	0.38	9.1	2.2	N/A
C CAB CHASSIS	C CAB CHASSIS	EGR/PMP/OXD/OTR/ /CAN	454-4	A-3	6000	3.21	0.31	9.6	1.8	N/A
	C CAB CHASSIS	EGR/PMP/OXD/OTR/ /CAN	454-4	M-4	5500	4.10	0.50	7.8	1.9	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/OTR/ /	FAMILY 912R4				: 1.100	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /	FAMILY 9C4-T				: N/A	N/A	N/A	-1.000)
912Y2 / 983-T										
(305)										
PICKUP	UTILITY 4X4	EGR/OXD/OTR/ / /CAN	305-2	A-3	5000	3.07	0.65	15.	1.9	2.1 *
VAN	CAB CHASSIS	EGR/OXD/OTR/ / /CAN	305-2	A-3	5500	3.73	0.59	14.	2.1	N/A
UTILITY	PICKUP	EGR/OXD/OTR/ / /CAN	305-2	A-3	4500	2.76	0.60	12.	1.5	2.0 *
UTILITY 4X4	PICKUP	EGR/OXD/OTR/ / /CAN	305-2	M-3	4500	3.07	0.74	12.	2.3	N/A
SUBURBAN	SUBURBAN	EGR/OXD/OTR/ / /CAN	305-2	M-4	5000	4.11	0.80	11.	1.7	N/A
SUBURBAN 4X4										
CAB CHASSIS										
PICKUP										
VAN										
UTILITY										
UTILITY 4X4										
SUBURBAN										
SUBURBAN 4X4										
CAB CHASSIS										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTR/ / /	FAMILY 912Y2				: 1.257	1.019	1.152	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 983-T				: N/A	N/A	N/A	0.0)
912Y2 / 9C3-T										
(305)										
PICKUP	CAB CHASSIS	EGR/OXD/OTR/ / /CAN	305-2	A-3	5500	3.73	0.59	14.	2.1	2.6 *
CAB CHASSIS	PICKUP	EGR/OXD/OTR/ / /CAN	305-2	A-3	4500	2.76	0.60	12.	1.5	N/A
PICKUP	PICKUP	EGR/OXD/OTR/ / /CAN	305-2	M-3	4500	3.07	0.74	12.	2.3	1.8 *
CAB CHASSIS	SUBURBAN	EGR/OXD/OTR/ / /CAN	305-2	M-4	5000	4.11	0.80	11.	1.7	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/OXD/OTR/ / /	FAMILY 912Y2				: 1.257	1.019	1.152	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9C3-T				: N/A	N/A	N/A	0.0)
GENERAL MOTORS - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
983-T										
	UTILITY 4X4	EGR/OXD/OTR/ / /CAN	305-2	A-3	5000	3.07	0.65	15.	1.9	2.1
	PICKUP	EGR/OXD/OTR/ / /CAN	305-2	A-3	4500	2.76	0.60	12.	1.5	2.0
984-T										
	C FORWARD CNTRL CHAS	EGR/PMP/OXD/OTR/ /CAN	350-4	A-3	6000	4.10	0.35	7.3	2.1	2.7
	PICKUP	EGR/OXD/OTR/ / /CAN	350-4	A-3	5000	3.73	0.70	11.	2.3	2.4
	SUBURBAN	EGR/OXD/OTR/ / /CAN	350-4	M-4	5000	4.11	0.77	17.	1.9	3.6
	CAB CHASSIS 4X4	EGR/OXD/OTR/ / /CAN	350-4	M-4	5500	4.10	0.85	15.	2.2	2.1
	C UTILITY	EGR/PMP/OXD/OTR/ /CAN	350-4	M-4	5000	2.76	0.59	6.5	1.3	2.0
	C CAB CHASSIS	EGR/PMP/OXD/OTR/ /CAN	454-4	A-3	6000	3.21	0.31	9.6	1.8	4.3
	C CAB CHASSIS	EGR/PMP/OXD/OTR/ /CAN	454-4	A-3	6000	4.10	0.38	9.1	2.2	2.5
	C PICKUP	EGR/PMP/OXD/OTR/ /CAN	454-4	A-3	5000	2.76	0.33	5.9	1.5	2.9
986-T										
	C CAB CHASSIS	EGR/PLS/OXD/OTR/ /CAN	250-2	A-3	5000	4.11	0.42	9.1	2.0	1.3
	C VAN	EGR/PLS/OXD/OTR/ /CAN	250-2	M-3	4000	4.11	0.50	5.1	1.8	1.9
	PICKUP	EGR/PLS/OXD/OTR/ /CAN	250-2	M-3	4500	3.07	0.51	5.2	1.9	1.5
9C3-T										
	CAB CHASSIS	EGR/OXD/OTR/ / /CAN	305-2	A-3	5500	3.73	0.59	14.	2.1	2.6
	PICKUP	EGR/OXD/OTR/ / /CAN	305-2	M-3	4500	3.07	0.74	12.	2.3	1.8
9C4-T										
	PICKUP	EGR/OXD/OTR/ / /CAN	350-4	M-3	4500	2.76	0.90	12.	1.9	5.4
	CAB CHASSIS	EGR/OXD/OTR/ / /CAN	400-4	A-3	6000	4.10	0.66	14.	2.1	3.1

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1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	T R A N S	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - EVAP-EMISSION FAMILIES:		**EVAPORATIVE-EMISSION FAMILY TEST VEHICLES**								
9C6-T										
	CAB CHASSIS 4X4	EGR/PLS/OXD/OTR/ /CAN	250-2	A-3	5000	4.11	0.54	10.	2.3	2.0
	CAB CHASSIS 4X4	EGR/PLS/OXD/OTR/ /CAN	250-2	M-4	5000	3.40	0.97	13.	2.3	1.7
IHC - FAMILY COMBINATIONS CERTIFIED:		**ENGINE FAMILY TEST VEHICLES**								
V-304 / 2V (304)										
C SCOUT II	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	304-02	A-3	4500	3.07	0.58	11. *	1.9	4.5 *
C TRAVELER	C SCOUT II	EGR/PMP/OXD/ / /CAN	304-02	M-3	4000	4.09	0.49	4.8	1.6	N/A
C SCOUT II 4X4	C TRAVELER 4X4	EGR/PMP/OXD/ / /CAN	304-02	M-4	4500	3.07	0.63	6.1	1.7	N/A
C TERRA										
C TRAVELER 4X4										
C SS II										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY V-304				1.188	1.165	1.030	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 2V				N/A	N/A	N/A	0.654)
V-345 / 4V (345)										
C SCOUT II	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	345-04	A-3	4500	3.07	0.64	11.	2.2	5.4 *
C TRAVELER	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	345-04	M-3	4500	3.73	0.85	15.	1.9	N/A
C SCOUT II 4X4	C TRAVELER 4X4	EGR/PMP/OXD/ / /CAN	345-04	M-4	4500	3.07	0.83	12.	2.2	N/A
C TRAVELER 4X4										
C TERRA										
C SS II										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY V-345				1.414	2.353	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 4V				N/A	N/A	N/A	0.0)
4-196 / 1V (196)										
C SCOUT II	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	196-01	M-3	4000	4.09	0.45	8.4	1.7	3.8 *
C SCOUT II 4X4	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	196-01	M-4	4000	3.54	0.41	6.6	1.5	N/A
C TERRA										
C SS II										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 4-196				1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 1V				N/A	N/A	N/A	0.0)
IHC - EVAP-EMISSION FAMILIES:		**EVAPORATIVE-EMISSION FAMILY TEST VEHICLES**								
1V	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	196-01	M-3	4000	4.09	0.45	8.4	1.7	3.8
2V	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	304-02	A-3	4500	3.07	0.58	11.	1.9	4.5
4V	C SCOUT II 4X4	EGR/PMP/OXD/ / /CAN	345-04	A-3	4500	3.07	0.64	11.	2.2	5.4
ISUZU - FAMILY COMBINATIONS CERTIFIED:		**ENGINE FAMILY TEST VEHICLES**								
G180ZL-E / CRK-6 (111)										
C LUV PICKUP	C LUV PICKUP	EGR/PMP/ / / /CRK	111-02	A-3	2750	4.10	0.18	3.7	1.2	N/A
C LUV PICKUP 4X4	C LUV CAB CHASSIS	EGR/PMP/ / / /CRK	111-02	A-3	3000	4.10	0.15	4.2	1.3	1.8 *
C LUV CAB CHASSIS	C LUV CAB CHASSIS	EGR/PMP/ / / /CRK	111-02	M-4	3000	4.10	0.13	3.8	1.2	N/A
	C LUV PICKUP	EGR/PMP/ / / /CRK	111-02	M-4	3000	3.73	0.15	1.0	1.5	N/A
	C LUV PICKUP 4X4	EGR/PMP/ / / /CRK	111-02	M-4	3000	4.10	0.16	3.3	1.2	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY G180ZL-E				1.000	1.025	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CRK	FAMILY CRK-6				N/A	N/A	N/A	0.0)
G180ZL-F / CRK-L (111)										
LUV PICKUP	LUV PICKUP	EGR/PMP/ / / /CRK	111-02	A-3	2750	4.10	1.2	14.	1.8	N/A
LUV PICKUP 4X4	LUV PICKUP	EGR/PMP/ / / /CRK	111-02	M-4	3000	3.73	1.2	14.	2.2	1.2 *
	LUV PICKUP 4X4	EGR/PMP/ / / /CRK	111-02	M-4	3000	4.10	0.88	13.	1.5	N/A
	LUV PICKUP	EGR/PMP/ / / /CRK	111-02	M-5	2750	3.73	1.6	14.	2.1	N/A

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1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TR AN S.	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
ISUZU - FAMILY COMBINATIONS CERTIFIED:										
		ENGINE FAMILY TEST VEHICLES								
G180ZL-F / CRK-L (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY G180ZL-F				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CRK	FAMILY CRK-L				: N/A	N/A	N/A	0.0)
ISUZU - EVAP-EMISSION FAMILIES:										
		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
CRK-L	LUV PICKUP	EGR/PMP/ / / /CRK	111-02	M-4	3000	3.73	1.2	14.	2.2	1.2
CRK-6	C LUV CAB CHASSIS	EGR/PMP/ / / /CRK	111-02	A-3	3000	4.10	0.15	4.2	1.3	1.8
NISSAN - FAMILY COMBINATIONS CERTIFIED:										
		ENGINE FAMILY TEST VEHICLES								
TL200F / EVP-CARB-1 (119)										
PICKUP	PICKUP	EGR/PMP/ / / /CAN	119-2	A-3	2750	4.11	1.3	11.	1.9	N/A
DATSUN CAB CHAS	DATSUN CAB CHAS	EGR/PMP/ / / /CAN	119-2	M-4	3500	4.38	0.66	12.	2.0	N/A
	PICKUP	EGR/PMP/ / / /CAN	119-2	M-4	2750	4.11	1.4	11.	2.1	N/A
	PICKUP	EGR/PMP/ / / /CAN	119-2	M-5	2750	4.11	1.2	14.	2.0	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY TL200F				: 1.074	1.077	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVP-CARB-1				: N/A	N/A	N/A	0.180)
TL201C / EVP-CARB-1 (119)										
C PICKUP	C PICKUP	EGR/PMP/OXD/ / /CAN	119-2	A-3	2750	4.11	0.31	4.3	1.2	N/A
C DATSUN CAB CHAS	C DATSUN CAB CHAS	EGR/PMP/OXD/ / /CAN	119-2	M-4	3500	4.38	0.17	5.5	1.3	2.4 *
	C PICKUP	EGR/PMP/OXD/ / /CAN	119-2	M-4	2750	4.11	0.29	3.4	1.2	3.4 *
	C PICKUP	EGR/PMP/OXD/ / /CAN	119-2	M-5	2750	4.11	0.36	3.3	1.4	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY TL201C				: 1.160	1.006	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EVP-CARB-1				: N/A	N/A	N/A	0.180)
EVP-CARB-1	C DATSUN CAB CHAS	EGR/PMP/OXD/ / /CAN	119-2	M-4	3500	4.38	0.17	5.5	1.3	2.4
	C PICKUP	EGR/PMP/OXD/ / /CAN	119-2	M-4	2750	4.11	0.29	3.4	1.2	3.4
SUZUKI - FAMILY COMBINATIONS CERTIFIED:										
		ENGINE FAMILY TEST VEHICLES								
LJ8 / F8A-1 (49)										
LJ80/LJ80V	LJ81 PICKUP	EM /EGR/ / / /CAN	49-1	M-4	2250	4.56	1.6	15.	1.7	1.0 *
LJ81 PICKUP	LJ80/LJ80V	EM /EGR/ / / /CAN	49-1	M-4	2000	4.56	1.6	12.	1.8	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EM /EGR/ / / /	FAMILY LJ8				: 1.000	1.000	1.044	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY F8A-1				: N/A	N/A	N/A	0.0)
SUZUKI - EVAP-EMISSION FAMILIES:										
		EVAPORATIVE-EMISSION FAMILY TEST VEHICLES								
F8A-1	LJ81 PICKUP	EM /EGR/ / / /CAN	49-1	M-4	2250	4.56	1.6	15.	1.7	1.0
TOYO KOGYO - FAMILY COMBINATIONS CERTIFIED:										
		ENGINE FAMILY TEST VEHICLES								
9MAT / 9SCR (120)										
COURIER PICKUP	COURIER PICKUP	EGR/PLS/OXD/ / /CAN	120-02	M-4	3000	3.31	0.59	8.1	1.5	2.0 *
B2000 PICKUP	C COURIER PICKUP	EGR/PMP/OXD/ / /CAN	120-2	M-5	3000	3.31	0.27	2.9	1.1	2.9 *
C COURIER PICKUP										
C B2000 PICKUP										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9MAT				: 1.468	1.700	1.007	N/A)
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9MAT				: 1.157	1.710	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9SCB				: N/A	N/A	N/A	0.260)

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TR ANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
TOYO KOGYO - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
9WBT / 9SCC (140)										
COURIER PICKUP	C COURIER PICKUP	EGR/PMP/OXD/ / /CAN	140-02	A-3	3000	3.64	0.28	4.5	1.1	N/A
C COURIER PICKUP	COURIER PICKUP	EGR/PLS/OXD/ / /CAN	140-02	A-3	3000	3.64	0.34	8.8	1.6	2.4 *
	C COURIER PICKUP	EGR/PMP/OXD/ / /CAN	140-02	M-4	3000	3.64	0.25	3.9	1.0	1.3 *
	COURIER PICKUP	EGR/PLS/OXD/ / /CAN	140-02	M-5	3000	3.64	0.45	9.9	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 9WBT				: 1.205	1.161	1.000	N/A)
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PLS/OXD/ / /	FAMILY 9WBT				: 1.319	1.309	1.028	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY 9SCC				: N/A	N/A	N/A	0.250)
TOYO KOGYO - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
9SCR										
	COURIER PICKUP	EGR/PLS/OXD/ / /CAN	120-02	M-4	3000	3.31	0.59	8.1	1.5	2.0
	C COURIER PICKUP	EGR/PMP/OXD/ / /CAN	120-2	M-5	3000	3.31	0.27	2.9	1.1	2.9
9SCC										
	COURIER PICKUP	EGR/PLS/OXD/ / /CAN	140-02	A-3	3000	3.64	0.34	8.8	1.6	2.4
	C COURIER PICKUP	EGR/PMP/OXD/ / /CAN	140-02	M-4	3000	3.64	* 0.25	3.9	1.0	1.3
TOYOTA - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
2F(C) / EV-F (258)										
C LAND CRUISER	C LAND CRUISER WG	EGR/PMP/OXD/ / /CAN	258-2	M-4	4500	3.70	0.20	3.0	1.5	2.2 *
C LAND CRUISER WG	C LAND CRUISER	EGR/PMP/OXD/ / /CAN	258-2	M-4	4000	3.70	0.18	3.3	1.2	2.1 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 2F(C)				: 1.000	1.000	1.020	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-F				: N/A	N/A	N/A	0.165)
2F(F) / EV-F (258)										
LAND CRUISER	LAND CRUISER WG	EGR/PMP/OXD/ / /CAN	258-2	M-4	4500	3.70	0.70	10.	1.7	N/A
LAND CRUISER WG	LAND CRUISER	EGR/PMP/OXD/ / /CAN	258-2	M-4	4000	3.70	0.62	9.2	1.8	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 2F(F)				: 1.419	1.054	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-F				: N/A	N/A	N/A	0.165)
20R(TC) / EV-R (134)										
PICKUP	C PICKUP	EGR/PMP/OXD/ / /CAN	134-02	A-3	2750	4.10	0.99E-01	2.8	0.98	N/A
C HILUX 4X4	C PICKUP	EGR/PMP/OXD/ / /CAN	134-02	M-4	2750	4.10	0.19	2.1	1.1	1.6 *
C PICKUP	C HILUX 4X4	EGR/PMP/OXD/ / /CAN	134-2	M-4	3000	4.38	0.24	3.5	0.79	N/A
C HILUX CAB CHASSIS	C HILUX CAB CHASSIS	EGR/PMP/OXD/ / /CAN	134-2	M-4	3000	4.11	0.24	3.3	1.2	N/A
	C PICKUP	EGR/PMP/OXD/ / /CAN	134-02	M-5	2750	4.10	0.33	2.8	0.97	2.3 *
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/OXD/ / /	FAMILY 20R(TC)				: 1.102	1.035	1.093	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-R				: N/A	N/A	N/A	0.149)
20R(TF) / EV-R (134)										
C PICKUP	PICKUP	EGR/PMP/ / / /CAN	134-02	A-3	2750	4.10	0.32	14.	1.4	N/A
HILUX 4X4	HILUX CAB CHASSIS	EGR/PMP/ / / /CAN	134-2	M-4	3000	4.11	0.73	13.	1.6	N/A
PICKUP	HILUX 4X4	EGR/PMP/ / / /CAN	134-2	M-4	3000	4.38	0.44	11.	1.4	N/A
HILUX CAB CHASSIS	PICKUP	EGR/PMP/ / / /CAN	134-02	M-4	2750	4.10	0.78	11.	1.5	N/A
	PICKUP	EGR/PMP/ / / /CAN	134-02	M-5	2750	4.10	0.95	12.	1.5	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EGR/PMP/ / / /	FAMILY 20R(TF)				: 1.000	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY EV-R				: N/A	N/A	N/A	0.148)
TOYOTA - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
EV-F										
	C LAND CRUISER	EGR/PMP/OXD/ / /CAN	258-2	M-4	4000	3.70	0.18	3.3	1.2	2.1
	C LAND CRUISER WG	EGR/PMP/OXD/ / /CAN	258-2	M-4	4500	3.70	0.20	3.0	1.5	2.2
EV-R										
	C PICKUP	EGR/PMP/OXD/ / /CAN	134-02	M-4	2750	4.10	0.19	2.1	1.1	1.6
	C PICKUP	EGR/PMP/OXD/ / /CAN	134-02	M-5	2750	4.10	0.33	2.8	0.97	2.3

*NOTE: THIS VEH GENERATED EVAP EMIS AS WELL AS EXH EMIS TEST RESULTS; A COMPLETE LISTING OF ALL TEST VEHICLES BELONGING TO EACH EVAP EMIS FAMILY IS PROVIDED IN THE EVAP EMIS FAMILY SECTION BELOW.

1979 MODEL YEAR LIGHT-DUTY TRUCKS

MANUFACTURER / ENGINE FAMILY/EVAP-EMISS FAM (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
VOLKSWAGEN - FAMILY COMBINATIONS CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
11 / L1 (120)										
C BUS(WG.,KOM.,CAM)	C BUS(WG.,KOM.,CAM)	FI /3WY/CLS/ / /CAN	120-FI	A-3	3500	4.09	0.18	2.7	0.95	N/A
	C BUS(WG.,KOM.,CAM)	FI /3WY/CLS/ / /CAN	120-FI	M-4	3500	4.57	0.26	4.7	0.52	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/ / /	FAMILY 11				1.017	1.169	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY L1				N/A	N/A	N/A	0.612)
11A / L1 (120)										
C BUS(WG.,KOM.,CAM)	C BUS(WG.,KOM.,CAM)	FI /3WY/CLS/ / /CAN	120-FI	A-3	3500	4.09	0.19	2.4	1.1	N/A
	C BUS(WG.,KOM.,CAM)	FI /3WY/CLS/ / /CAN	120-FI	M-4	3500	4.57	0.27	4.2	0.63	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /3WY/CLS/ / /	FAMILY 11A				1.029	1.056	1.299	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY L1				N/A	N/A	N/A	0.612)
12 / L1 (120)										
BUS(WG.,KOM.,CAM)	BUS(WG.,KOM.,CAM)	FI /EGR/OXD/ / /CAN	120-FI	A-3	3500	4.09	0.54	9.5	1.4	N/A
	BUS(WG.,KOM.,CAM)	FI /EGR/OXD/ / /CAN	120-FI	M-4	3500	4.57	0.80	11.	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI /EGR/OXD/ / /	FAMILY 12				1.096	1.000	1.000	N/A)
(EVAPOR. DETERIORATION FACTORS FOR -		/ / / / /CAN	FAMILY L1				N/A	N/A	N/A	0.612)
VOLKSWAGEN - EVAP-EMISSION FAMILIES:										
EVAPORATIVE-EMISSION FAMILY TEST VEHICLES										
L1	C BUS(WG.,KOM.,CAM)	FI /3WY/CLS/ / /CAN	120-FI	M-4	3500	4.57	0.22	4.1	0.33	4.9
AUDI - FAMILIES CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
DA (121)										
C 5000	C 5000	EM / / / / /NON	121-FI	M-5	3000	4.30	0.67	1.5	1.6	N/A
(EXHAUST DETERIORATION FACTORS FOR -		EM / / / / /	FAMILY DA				1.000	1.000	1.000	N/A)
CHECKER - FAMILIES CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
GM930J9 (350)										
C MARATHON/TAXICAB	C PICKUP	FI / / / / /NON	350-FI	A-3	5000	3.40	0.89	2.1	1.9	N/A
C MARATHON/TAXICAB-EC	PICKUP	FI / / / / /NON	350-FI	A-3	5000	2.76	0.68	2.0	1.7	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI / / / / /	FAMILY GM930J9				1.156	1.097	1.060	N/A)
GENERAL MOTORS - FAMILIES CERTIFIED:										
ENGINE FAMILY TEST VEHICLES										
930H9 (260)										
C CUTLASS SALON	C CUTLASS SALON	FI / / / / /NON	260-FI	A-3	4000	2.41	0.53	1.4	1.8	N/A
C CUTLASS SUPREME	C CUTLASS SALON	FI / / / / /NON	260-FI	M-5	4000	2.56	0.66	2.1	1.7	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI / / / / /	FAMILY 930H9				1.000	1.097	1.000	N/A)
930J9 (350)										
C CUSTOM CRUISER WG	C DELTA 88	FI / / / / /NON	350-FI	A-3	4500	2.41	0.64	1.9	1.6	N/A
C DELTA 88	C TORONADO	FI / / / / /NON	350-FI	A-3	4500	2.41	0.80	2.1	1.5	N/A
C NINETY EIGHT	C CUTLASS WAGON	FI / / / / /NON	350-FI	A-3	4000	2.29	0.75	1.9	1.6	N/A
C SEVILLE	C SEVILLE	FI / / / / /NON	350-FI	A-3	5000	2.56	0.63	2.0	1.7	N/A
C DEVILLE/BROUGHAM										
C TORONADO										
C ELDORADO										
C CUTLASS WAGON										
(EXHAUST DETERIORATION FACTORS FOR -		FI / / / / /	FAMILY 930J9				1.171	1.186	1.000	N/A)

1979 MODEL YEAR LIGHT-DUTY DIESEL TRUCKS

MANUFACTURER / EXHAUST EMISSION FAMILIES (CUBIC INCH DISPLACEMENT) / CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSION (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
GENERAL MOTORS - FAMILIES CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
932J9 (350)										
C PICKUP	C PICKUP	FI / / / / /NON	350-FI	A-3	5000	2.76	0.68	2.0	1.7	N/A
C PICKUP	C PICKUP	FI / / / / /NON	350-FI	A-3	5000	3.40	0.89	2.1	1.9	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI / / / / /	FAMILY 932J9				1.156	1.097	1.060	N/A)
IHC - FAMILIES CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
SD-331 (198)										
C SCOUT II	C TRAVELER 4X4	EGR/ / / / /NON	198-FI	M-4	4500	3.73	0.42	2.4	1.5	N/A
C TRAVELER	C TRAVELER 4X4	EGR/ / / / /NON	198-FI	M-4	4500	3.73	0.34	1.4	1.4	N/A
C SCOUT II 4X4										
C TRAVELER 4X4										
C TERRA										
(EXHAUST DETERIORATION FACTORS FOR -		EGR/ / / / /	FAMILY SD-331				1.000	1.000	1.000	N/A)
MERCEDES BENZ - FAMILIES CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
79/2/L4D/24 (147)										
C 240D/280E/300D	C 240D/280E/300D	OTR/ / / / /NON	147-FI	A-4	3500	3.69	0.29	1.1	1.6	N/A
	C 240D/280E/300D	OTR/ / / / /NON	147-FI	M-4	3500	3.69	0.18	0.85	1.5	N/A
(EXHAUST DETERIORATION FACTORS FOR -		OTR/ / / / /	FAMILY 79/2/L4D/24				1.000	1.000	1.000	N/A)
79/2/L5D/30 (183)										
C 240D/280E/300D - C 300TD	C 240D/280E/300D	FI / / / / /NON	183-FI	A-4	4000	3.46	0.32	1.6	2.0	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI / / / / /	FAMILY 79/2/L5D/30				1.000	1.000	1.000	N/A)
79/2/L5DT/30 (183)										
C 280SE/300SD	C 280SE/300SD	OTR/ / / / /NON	183-FI	A-4	4000	3.07	0.22	1.0	1.8	N/A
(EXHAUST DETERIORATION FACTORS FOR -		OTR/ / / / /	FAMILY 79/2/L5DT/30				1.241	1.122	1.000	N/A)
PEUGEOT - FAMILIES CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
XD (141)										
C 504	C 504	FI / / / / /NON	141-FI	A-3	3500	3.78	0.73	2.0	1.7	N/A
C 504 WAGON	C 504	FI / / / / /NON	141-FI	M-4	3500	3.70	0.71	2.8	1.4	N/A
	C 504 WAGON	FI / / / / /NON	141-FI	M-4	3500	4.11	1.1	2.9	1.3	N/A
(EXHAUST DETERIORATION FACTORS FOR -		FI / / / / /	FAMILY XD				1.012	1.453	1.262	N/A)
VOLKSWAGEN - FAMILIES CERTIFIED:		ENGINE FAMILY TEST VEHICLES								
D (90)										
C RABBIT	C DASHER WAGON	NON/ / / / /NON	90-FI	M-4	2500	4.10	0.55	1.2	1.4	N/A
C DASHER	C RABBIT	NON/ / / / /NON	90-FI	M-4	2250	3.90	0.61	1.0	1.3	N/A
C DASHER WAGON	C RABBIT	NON/ / / / /NON	90-FI	M-5	2250	3.90	0.55	1.0	1.2	N/A

1979 MODEL YEAR LIGHT-DUTY DIESEL VEHICLES

MANUFACTURER EXHAUST EMISSION FAMILIES (CUBIC INCH DISPLACEMENT) CARLINES COVERED	VEHICLE CARLINE REPRESENTED	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB VENTURIS	TRANS	INERTIA WEIGHT CLASS (LBS)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSION (GRAMS/MILE) HYDRO-CARBONS	CARBON MONOXIDE	OXIDES OF NITROGEN	EVAPOR. EMISSIONS (GRAMS) HYDRO-CARBONS
VOLKSWAGEN - FAMILIES CERTIFIED:										
		ENGINE FAMILY TEST VEHICLES								
D (CONT.)										
(EXHAUST DETERIORATION FACTORS FOR - NON/	/	/	/	/	FAMILY D		: 1.000	1.000	1.308	N/A)

[FR Doc. 79-22058 Filed 7-18-79; 8:45 am]

BILLING CODE 6560-01-C

federal register

Thursday
July 19, 1979

Part IV

Department of the Interior

Geological Survey

Natural Gas Category Determination; Notice to Lessees

DEPARTMENT OF THE INTERIOR

Geological Survey

Natural Gas Category Determination; Notice to Lessees for Implementation of the Natural Gas Policy Act of 1978 (NGPA)

AGENCY: Geological Survey, Department of the Interior.

ACTION: Final notice.

SUMMARY: An Interim Notice to Lessees for purposes of implementing the NGPA on Federal, Indian, and Outer Continental Shelf (OCS) lands was issued by the Acting Director, January 19, 1979, and was made effective upon publication in the **Federal Register**, January 24, 1979. It was issued in accordance with the provisions of the NGPA and the Federal Energy Regulatory Commission (FERC) regulation 18 CFR 274.104, effective December 1, 1978. A 30-day period was provided by the publication to receive comments from interested persons.

As a result of the written comments from two firms, discussions over applications with several firms, and consultation with the Oil and Gas Supervisors, Conservation Division, Geological Survey (GS), certain minor revisions have been made to the Interim Notice. The final version is set forth below as the Notice to Lessees for Implementation of the NGPA. It becomes effective 45 days after publication in the **Federal Register** and applies to all applications received on or after that date. The GS Form, enclosed and a part of the Notice, will not be required until the Office of Management and Budget (OMB) grants clearance under the Federal Reports Act of 1942 and OMB Circular A–40.

DATE: Effective Date: September 4, 1979.

ADDRESS: Chief, Conservation Division, Geological Survey, MS 620, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Price McDonald, telephone (703) 860–7517, for general information concerning the final Notice. For information more specific in nature, as with a certain well or reservoir, contact the appropriate Oil and Gas Supervisor, as follows:

Name, Area, and Phone

Charles Curtis, Casper, Wyoming (307) 265–5550.

Lee Pauli, Washington, D.C. (202) 632–4801.

Rogers Pearcy, Metairie, Louisiana (504) 837–4720.

Fred Schambeck, Los Angeles, California (213) 688–2846.

Rodney Smith, Anchorage, Alaska (907) 271–4303.

Floyd Stelzer, Tulsa, Oklahoma (918) 581–7631.

Wallace Sutherland, Albuquerque, New Mexico (505) 766–2841.

SUPPLEMENTARY INFORMATION: The Interim Notice was published in the **Federal Register**, volume 44, January 24, 1979, commencing on page 5006. Written comments were invited for the 30-day period, January 24 to February 23, 1979.

Comments were received from one oil and gas producer and from one attorney representing an oil and gas operator. These are discussed, as below.

Specific Comments

1. The Interim Notice does not specifically state whether the applications submitted before January 19, 1979, must now be submitted with the Draft GS Forms.

The comment is correct literally speaking. However, the introductory passages just preceding the Interim Notice made known that the Draft Forms could not be required until cleared by the OMB. In the same manner, in the final Notice, the data input is required but not the form itself without OMB approval. For both the interim and final Notices, the support data required by the form is the important point, not the form itself. All applications preceding the effective date of the final Notice should conform to the Interim Notice since it served as the initial ruling.

2. The requirement that all copies of records relied on by the applicant must be certified is unnecessary.

True, conventional GS Forms already certified should not require another certification. Such forms were certified when filled in and submitted earlier in the well's life. The final Notice Clarifies this point, under paragraph (5).

As to certification in general, we believe the vast and assorted amounts of required data justify the certification process.

3. Draft Form GS 108, Supplementary Application for Category Determination Under the Natural Gas Policy Act, Section 108, states there must be a tabulation of the natural gas production for 12 preceding months. In addition, Form 9–152, Monthly Report of Operations-Outer Continental Shelf, or form 9–329, Monthly Report of Operations-Public Lands, must accompany the Draft Form. This is a repetitive task.

The Form 9–152 or Form 9–329 includes the production data required by the tabulation, so a certain amount of duplication exists. However, knowing that the Form 9–152 or Form 9–329 is in the files of the Oil and Gas Supervisor does not preclude the Supervisor from asking for it. The FERC regulation 18 CFR 274.201(d) provides, in part, that the jurisdictional agency may require additional support data as it deems appropriate and 18 CFR 274.104(a)(4) states, in essence, that a copy of all materials used in the determination must be submitted to the FERC.

So, the question becomes, Who will prepare the necessary copies of the Forms 9–152 or Form 9–329? The Oil and Gas Supervisor cannot possibly make such a volume of copies without additional facilities and personnel. The operator can much more ably supply the copies.

4. To require, as a prerequisite to a determination of category by the Area Oil and Gas Supervisor, that an applicant must first give notice to the public by publication in a daily newspaper, is discriminatory against Federal lessees, creates unconscionable delay by the additional comment period therein prescribed, and adds further expense to the applicant without adequate justification as to necessity for publication. No publication is required by FERC's interim regulations as they pertain to wells on fee lands.

True, the FERC regulations do not specifically require a newspaper notification of a filing. However, their regulations 18 CFR 274.105(a) (2) and (3) say that the jurisdictional agency report shall include the type of notice of filing that applicants will be required to give and the public or specific notice that will be given by the agency of filings, hearings, and determinations. Other regulations under 18 CFR 274.105, as well as the above, make clear that the FERC intends for the public to be notified of filings and that the public is to be allowed to intervene in the decisionmaking process.

Essentially, all State agencies serving as jurisdictional agencies have a hearings process established by State law which they utilize as a means of involving the public on the NGPA applications. Further, many such States use the newspaper for notification purposes similarly to the procedure set forth in the Interim Notice. However, one of the States with considerable NGPA activity prescribes a 15-day holding period for an application preliminary to a public hearing, but makes no provision for public notification of the filing, except through the routine scheduling of the hearing itself. Without objection at the hearing, the application is admininstratively approved.

The GS has no hearings process, so the Oil and Gas Supervisors, Conservation Division, who are the jurisdictional agency for the Federal, Indian, and OCS lands, have no means of public notification, except through the newspaper or the **Federal Register**. With the latter, the public has insufficient knowledge or access. So, to comply with 18 CFR 274.105, the Oil and Gas Supervisor must use the newspaper as a connection with the public and, by so doing, the time delay of 15 days for commenting is believed to be a reasonable ruling. Further, the costs to the industry for a 1-day newspaper legal notice are not considered excessive, particularly when numerous applications under the same category can be grouped under one heading.

5. As a very minimum, the GS should exclude from the publication requirement those particular wells which fall in the category of stripper natural gas wells. The public cannot possibly add to existing documentary proof as to the eligibility of a particular well for the stripper natural gas well category.

Through the initial 3,000 applications reviewed as complete, comments from the public have been zero and comments from working interest owners and purchasers have been less than 1.0 percent. None of these have been on stripper applications. But even so, the FERC makes no provisions for excluding stripper applications from public notification, so a change from the general proceedings of the Interim Notice is not possible.

6. Under (9)d of the Interim Notice, the Oil and Gas Supervisor would be required mandatorily to schedule a conference when the applicant or commenter requests oral discussion. Such requests should be granted only when the Supervisor concludes that the facts warrant a conference.

The appropriate change has been made in the final notice under paragraph (9), saying that the request for a conference must be reasonable.

Other revisions have been made to the Interim Notice to Lessees as a result of inquiries from the industry and discussions with the Oil and Gas Supervisors. These are as follows:

Paragraph (1), last sentense now reads as two sentences, for clarity to the applicant in making a single or multiple application. The two sentences read as follows:

Each application submitted shall be for one well bore (stripper well) or for one well completion and shall reflect one category preference. More than one application per well completion may be submitted if in each case the category preference is clearly marked and support data is furnished.

Paragraph (2), next to last sentence now has the words "(i.e., divided royalties)" inserted after the words "divided interest lease" to avoid confusion over whether the working or the royalty lease interest is divided. The sentence reads as follows:

For those cases where the completion location of a well is on a divided interest lease (i.e., divided royalties) involving Federal or Indian and State or private ownerships, the Oil and Gas Supervisor shall make the determination if the majority interest is Federal and/or Indian.

Paragraph (3) now has an additional sentence, which reads:

Sample blank affidavits for filings under each category are enclosed and may be used.

Sample type affidavits, conforming with the FERC regulations, have been added to the Notice to help the applicant understand the type of oath he must take with each respective category request. A great variety of oath statements have been received to date, many of which had to be returned for being incomplete or inapplicable.

Paragraph (5), last sentence was revised and set apart as a second paragraph. The revision spells out the requirements of support data certification to the applicant. The added paragraph reads as follows:

All copies of records relied on by the applicant shall be certified, except for the conventional GS agreements and forms already certified. The certification statement shall include language on the authenticity of the document and the limitations of the data it provides. The statement shall be signed by a responsible company official or person.

Paragraph (7) has several revisions which are itemized and explained as follows:

—In the first sentence, "(and/or working interest owners)" was added after "colessees" to help the operator in notifying those parties known to be involved with lease production and sales and therefore interested in the increased prices.

—In the second sentence, the phrase "for at least 1 day" was added to make known the minimum number of notice publication days in the newspaper.

—Three sentences were inserted to clarify the size and type of newspaper to use for the notice publication. These read, in order, as follows:

For onshore sparsely populated and small town areas, the operator should choose a newspaper published in the nearest city with a minimum population of 20,000 people or in the capital city. For the OCS, the operator should choose a newspaper published in a large nearby coastal city or in the city of the Oil and Gas Supervisor's office. A newspaper should be published at least 5 days per week to be considered a daily newspaper.

Paragraph (11), second sentence has been changed to make routine reporting to the public as periodical rather than annual, after January 1980. Except for the initial year of heavy processing, an annual statistical report will be of little interest to readers of the **Federal Register**. A report 2 or 3 years from now, but prior to decontrol in 1985, should be of more interest and generally sufficient for the conditions.

One suggestion of some significance was to make the public notification by newspaper a responsibility of the Oil and Gas Supervisor and to require such notification routinely by month, but only for those applications considered to be complete. Further, applications without comment or disagreement during the holding period would be acted on administratively without issuing a preliminary determination.

The above suggestion was submitted as an alternative to paragraphs (7), (8), (9), and (10). It was not adopted because of the added expense to the Government for personnel and newspaper space, even though accepted as the more efficient means of notification and processing.

The principal author is Price McDonald, Conservation Division, Reston, Virginia, telephone (703) 860–7517.

Notice to Lessees for Implementation of the Natural Gas Policy Act of 1978 (NGPA)

(1) *Who may file.* An operator of a Federal lease, either on public lands or on the Outer Continental Shelf (OCS) or on Indian allotted or tribal lands except for the Osage Reservation, Osage County, Oklahoma, may make application for a natural gas category determination to the appropriate Oil and Gas Supervisor as provided under the NGPA and the Federal Energy Regulatory Commission (FERC) regulation 18 CFR 274. The operator shall make application for any colessees, except that a colessee may make application if the operator refuses to take such action upon written request. Each application submitted shall be for one well bore (stripper well) or for one well completion and shall reflect one category preference. More than one application per well completion may be submitted if in each case the category preference is clearly marked and support data is furnished.

(2) *Where to file.* The application shall be filed with the appropriate Oil

and Gas Supervisor as indicated by the addresses listed in 18 CFR 274.501. For those Federal leases involved with State or other leases through a unit or communitization agreement or by a State boundary line condition, the respective Oil and Gas Supervisor shall make the determination if the completion location of a well is on a Federal, Indian, or OCS lease. For those cases where the completion location of a well is on a divided-interest lease (i.e., divided royalties) involving Federal or Indian and State or private ownerships, the Oil and Gas Supervisor shall make the determination if the majority interest is Federal and/or Indian. Where a 50–50 split interest lease occurs, the State shall make the determination.

(3) *Form, signature, and affidavit.* The applicant shall make application using Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, as the base instrument. The well's API number shall be entered as well as other information, and the signature on the application shall be in compliance with 18 CFR 274.201(c).

Further, to assure that the oath requirements of 18 CFR 274.202, 274.203, 274.204, 274.205, and 274.206 are fulfilled, the applicant shall submit a notarized affidavit with each application. The affidavit shall be responsive to and shall follow the guidelines of the applicable FERC regulation. It shall be signed by the appropriate company official or person. Sample blank affidavits for filings under each category are enclosed and may be used.

(4) *GS Form.* With each application, the operator shall complete and submit the form enclosed, titled as "Supplementary Application for Natural Gas Category Determination." Note that the first page must be submitted with each application, plus an additional page or pages as appropriate for the category requested.

(5) *Support data.* With each application, the applicant shall submit four copies of Form FERC 121 and two copies of all support type information required by 18 CFR 274.202, 274.203, 274.204, 274.205, and 274.206, and/or by the GS Form. If the applicant wishes to have a copy of such information returned upon filing, an additional copy should be submitted with a note requesting that it be returned.

The applicant shall include support data beyond the minimum requirements of the FERC regulations and the GS Form if he relies on such data in making application. Also, the applicant shall supply such additional information if so requested by the Oil and Gas Supervisor in making the category determination. The minimum data required for each category determination shall be in accordance with the data required on the GS Form enclosed.

All copies of records relied on by the applicant shall be certified, except for the conventional GS agreements and forms already certified. The certification statement shall include language on the authenticity of the document and the limitations of the data it provides. The statement shall be signed by a responsible company official or representative.

(6) *Support data considered to be proprietary.* In accordance with the provisions of 18 CFR 275.206, all information submitted in support of the application shall be marked appropriately if believed to be proprietary and therefore confidential in nature. Such information may be considered as confidential if it falls within one of the exemptions described in paragraphs (1) through (9) of 5 U.S.C. 552(b). (OCS Order No. 12 is an acceptable "proprietary" guide for operations under the Oil and Gas regulations 30 CFR 221 and 30 CFR 250, but the regulatory authority as to confidentiality under the NGPA is pursuant to 18 CFR 275.206(b).)

(7) *Notice to purchaser and others.* With each application, the applicant shall forward a copy of Form FERC 121 to the purchaser and to the colessees (and/or working interest owners) and shall so indicate this action with a statement or affidavit attached to the application. Also, the applicant shall give notice of each application to the public for at least 1 day through one daily newspaper common to the well area and generally circulated. For onshore sparsely populated and small-town areas, the operator should choose a newspaper published in the nearest city with a minimum population of 20,000 people or in the capital city. For the OCS, the operator should choose a newspaper published in a large nearby coastal city or in the city of the Oil and Gas Supervisor's office. A newspaper should be published at least 5 days a week to be considered a daily newspaper.

The notice shall include complete well identity, the location information, and category preference. The notice shall state that written comments will be accepted by the Oil and Gas Supervisor commencing with the publication date and continuing for 15 days beyond the date that the Supervisor determines the application to be complete. The Oil and Gas Supervisor may require submittal of the notice. The Oil and Gas Supervisor may approve an extension of the 15-day holding period upon written request. The 15 days referred to here and below shall be considered as calendar days.

(8) *Receipt of application.* Upon receipt of an application, the Oil and Gas Supervisor shall enter the date and other appropriate information into a log. Upon establishing that the application is acceptable for processing, a copy of Form FERC 121 will be placed in the Supervisor's Public Records Office, and the above-mentioned 15-day holding period will begin. Until the 15-day holding period or an approved extension expires, the Oil and Gas Supervisor will continue receiving written comments (in triplicate) on the notice of application from other operators and lessees, the purchasers, and the public. All such comments will be filed with the appropriate application, and copies will be placed in the Supervisor's Public Records Office.

(9) *Preliminary determination.* The Oil and Gas Supervisor shall make a preliminary category determination following the 15-day holding period above and the review and evaluation of the application and all comments submitted. The preliminary determination will be entered in a log, and a copy will be placed in the Supervisor's Public Records Office. Notice shall be given as follows:

a. The Oil and Gas Supervisor shall forward the preliminary determination to the applicant and to all parties who submitted comments on the application in such a manner that the copy will be received by the first day of the month. Also, for a negative determination, a copy shall be forwarded to the colessees and/or the working interest owners.

b. On the first working day of each month, the Oil and Gas Supervisor shall place in the Public Records Office a copy of all preliminary determinations made during the previous month.

c. The Oil and Gas Supervisor shall receive written comments (in triplicate) on all preliminary determinations on file in the Public Records Office for a 15-day period or for such extended period as he may approve.

d. For those cases where the applicant or commenter requests oral discussion, the Oil and Gas Supervisor shall comply with the request (provided it is reasonable) and shall schedule a conference soon thereafter. With each conference, the Oil and Gas Supervisor shall give notice to the applicant, the purchaser, and the commenter or commenters as the case may be. With each conference involving a protest, the commenter shall submit (in triplicate) a signed statement identifying the

application in question and indicating the basis for protest at least 1 day ahead. The Oil and Gas Supervisor or his/her representative shall conduct the conference on an informal basis but shall exercise discretion in guiding the participants and limiting the time for a particular discussion. A transcript by court reporter or otherwise shall be made of all conferences.

(10) *Final determinations.* Upon review and study of the application and all written comments and conferences, the Oil and Gas Supervisor shall make a final determination and shall forward the determination with the application and a copy of the preliminary determination to the FERC within 15 days of making the determination. The final determination must be designed to be in compliance with 18 CFR 274.104. The determination shall be entered in the log, and a copy shall be filed with the application. Also, a copy shall be filed with the preliminary determination in the Public Records Office, and additional copies shall be forwarded to the applicant, the purchasers, and all parties who commented in writing on the application. The preliminary determination may be removed from the Public Records file at this time except when it differs from the final determination.

In the event of a negative determination, the Oil and Gas Supervisor shall forward to the FERC a notice of the determination together with Form FERC 121. Copies of such a determination shall also be forwarded to the aforementioned parties and to the colessees, and/or working interest owners, and shall be placed on file in the Public Records Office. If so requested by the applicant or any aggrieved party within 15 days following the determination, the Oil and Gas Supervisor shall forward to the FERC all the information specified under 18 CFR 274.104.

Any relief sought by an applicant or other interested party from a Supervisor's final decision should be in the form of a protest to the FERC, as provided in 18 CFR 275.201 through 275.205.

(11) The public shall be notified promptly through the **Federal Register** of any changes of substance in the above procedure. Commencing with January 1980 and periodically thereafter, the public shall be informed through the **Federal Register** as to the procedure in effect and the information on file in the Public Records Office.

Dated: July 13, 1979.

H. William Menard,

Director.

BILLING CODE 4310-31-M

Form _____

OMB _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
Geological Survey

SUPPLEMENTARY APPLICATION FOR NATURAL GAS CATEGORY DETERMINATION
(See reverse side for instructions)

This form is required by the Oil and Gas Supervisor, Conservation Division, Geological Survey, the jurisdictional agency charged with determinations under the Natural Gas Policy Act of 1978, P.L. 95-621, for Federal, Indian, and OCS lands. The data requested is a requirement of the Federal Energy Regulatory Commission regulation 18 CFR 274, Determination by Jurisdictional Agencies. All such data must be forwarded to the Federal Energy Regulatory Commission by the Supervisor

11. APPLICANT

ADDRESS

TELEPHONE NO.

12. REQUEST CATEGORY FOR DETERMINATION

- ☐ Section 102(c)(1)(A), New OCS Leases
- ☐ Section 101(c)(1)(B), New Onshore Wells
- ☐ Section 102(c)(1)(C), New Onshore Reservoirs
- ☐ Section 102(d), New Reservoirs on Old OCS Leases
- ☐ Section 103(c), New Onshore Production Well
- ☐ Section 107(c), High-Cost Natural Gas
- ☐ Section 108(b), Stripper-well Natural Gas

13. PERSON RESPONSIBLE FOR ANSWERING QUESTIONS

ADDRESS

TELEPHONE NO.

14. NEWSPAPER, CITY, STATE, AND DATE (OR EXPECTED DATE) OF NOTICE

15. GAS PURCHASER

ADDRESS

GAS PURCHASER

ADDRESS

16. LESSEE AND/OR WORKING INTEREST OWNER

ADDRESS

LESSEE AND/OR WORKING INTEREST OWNER

ADDRESS

1. API WELL NO.
2. LEASE NO.
3. LEASE NAME AND WELL NO.
4. SEC., T. & R.
5. AREA AND BLOCK (OCS)
6. FIELD
7. RESERVOIR
8. COUNTY AND STATE
9. OPERATOR
10. TYPE OF WELL:
☐ OIL WELL ☐ GAS WELL

17. ATTACH THE APPROPRIATE CHECKLIST AND SUPPORT DATA (See Instructions)

I CERTIFY THAT THE FOREGOING AND THE CHECKLIST ATTACHED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS DETERMINED FROM AVAILABLE RECORDS.

18. NAME TITLE

SIGNATURE DATE

INSTRUCTIONS TO COMPLETE FORM _____

1. The API well number of the well of interest. If not known for onshore wells, ask the State or one of the petroleum information organizations.

2. The lease number as it appears on the lease agreement for a Federal, Indian, or OCS lease.

3. The lease name (onshore) and well number, including the appropriate designation for a multiple completion.

4. The section, township, and range of the well location (onshore).

5. The designated OCS area and block number.

6. The name of the field bounding the well.

7. The name of the reservoir being produced by the well.

8. The name of the county and State bounding the well. For the OCS, enter the nearby State.

9. The designated operator of the lease.

10. Check one in accordance with the following:

- An oil well produces crude oil as defined under 18 CFR 270.102(b)(5).

- A gas well produces hydrocarbons that exist as a gas in the reservoir.

For those cases where formation samples or other reservoir data for the reservoir of interest or for similar neighboring reservoirs are not available to make a type-of-well determination, the choice between an oil well and a gas well may be based on the measured API gravity with these qualifications:

- Any well producing a liquid with an API gravity of 50° or higher, regardless of the color, shall be considered to be a gas well.

- Any well producing a liquid with an API gravity of 45° or lower, regardless of color, shall be considered to be a oil well.

- Any well producing a liquid with an API gravity more than 45° but less than 50° shall be considered to be a gas well if the liquid is light, neutral, or straw colored and not dark in appearance.

11. The name, address, and telephone number of the applicant.

12. The requested category for determination. Check one.

13. The name, address, and telephone number of the person responsible for questions. If same as applicant, mark "same."

14. The daily newspaper requested to publish the notice of filing. Also, the city, State, and the date or expected date of publication.

15. The name and address of the gas purchasers. If more than two, attach a listing.

16. The name and address of the colessees and/or working interest owners. If more than two, attach a listing.

17. Fill out and attach the enclosed checklist headed the same as the requested category checked under item 12. Also, attach the support data appropriate to the checklist.

18. The name, title, and signature of the person or official responsible for the application.

For Section 102(c)(1)(A), New OCS Leases

Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

1. Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act. ____

2. A statement(s) under oath as required by the FERC for each application, including answers to certain questions as applicable. ____

3. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or the working interest owners. ____

4. A statement of certification for each of the supporting documents, except for the conventional Geological Survey agreements and forms already certified. ____

5. Lease agreement. ____

6. Form 9-330, Well Completion or Recompletion Report and Log. ____

7. Other: _____

_____

_____

_____ ____

For Section 102(c)(1)(B), New Onshore Wells

Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

1. Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act. ___

2. A statement(s) under oath as required by the FERC for each application, including answers to certain questions as applicable. ___

3. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or the working interest owners. ___

4. A statement of certification for each of the supporting documents, except for the conventional Geological Survey agreements and forms already certified. ___

5a. 2.5-mile test:

Form 9-330, Well Completion or Recompletion Report and Log. ___

Directional drilling survey. ___

A plat locating and identifying the well of interest and any other well within a 2.5-mile radius which is producing or produced natural gas after January 1, 1970. ___

5b. 1,000 feet deeper test:

Form 9-330. ___

A plat locating and identifying the well of interest and any other well within a 2.5-mile radius which is producing or produced natural gas after January 1, 1970, including specific identification of all marker wells for which a determination is sought. ___

A list of the deepest completion locations for all marker wells identified using a common elevation. ___

Directional drilling survey. ___

6. Other: _____

_____

_____

_____ ___

For Section 102(c)(1)(C), New Onshore Reservoirs

Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

1. Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act. ____

2. A statement(s) under oath as required by the FERC for each application, including answers to certain questions as applicable. ____

3. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or the working interest owners. ____

4. A statement of certification for each of the supporting documents, except for the conventional Geological Survey agreements and forms already certified. ____

5. Supporting geological information if reasonably available:

   A well log section sufficiently long to clearly define the top and bottom of the reservoir. ____

   Bottom-hole or surface-pressure surveys. ____

   Well potential tests. ____

   Formation structure map. ____

   Subsurface cross-section chart. ____

   Gas analysis. ____

6. All of the Forms 9-330, Well Completion or Recompletion Report and Log. ____

7. Directional drilling survey. ____

8. Statement on the date of reservoir penetration. ____

9. Form 9-329, Lessee's Monthly Report of Operations-Public Land, showing first commerical production from reservoir. ____

10. Statement on the date that suitable facilities for production and delivery were in existence, considering 18 CFR 271.204(d). ____

11. Other: _____

_____

_____

_____ ____

For Section 102(d), New Reservoirs on Old OCS Leases

Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

1. Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act. ____

2. A statement(s) under oath as required by the FERC for each application, including answers to certain questions as applicable. ____

3. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or to the working interest owners. ____

4. A statement of certification for each of the supporting documents, except for the conventional Geological Survey agreements and forms already certified. ____

5. Statement on the effective date of the lease agreement. ____

6. Statement on the date of reservoir penetration. ____

7. Directional drilling survey. ____

8. Form 9-330, Well Completion or Recompletion Report and Log. ____

9. Supporting geological information if reasonably available:

   A well log section sufficiently long to clearly define the top and bottom of the reservoir. ____

   Well potential tests. ____

   Formation structure map. ____

   Subsurface cross-section chart. ____

   Bottom-hole or surface-pressure surveys. ____

   Gas analysis. ____

10. If the date of reservoir penetration is prior to July 27, 1976:

    Any production tests or production capability evidence under OCS Order No. 4 to indicate the reservoir to be incapable of producing in paying quantities at the time of such evidence. (If none, say none.) ____

    An induction-electric log, sidewall cores and core analysis, or a wire line formation test to indicate the reservoir to be incapable of producing in commercial quantities at the time of such runs or tests. (If none, say none.) ____

    A statement by the applicant under oath that no such tests were performed and that no evidence existed at that time that the reservoir was capable of producing in paying quantities. ____

11. Other: _____

_____

_____

_____ ____

For Section 103(c), New Onshore Production Well

Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

1. Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act. ____

2. A statement(s) under oath as required by the FERC for each application, including answers to certain questions as applicable. ____

3. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or the working interest owners. ____

4. A statement of certification for each of the supporting documents, except for the conventional Geological Survey agreements and forms already certified. ____

5. Form 9-330, Well Completion or Recompletion Report and Log. ____

6. A plat locating and identifying the well of interest and the outline of the proration unit. Also, identification and explanation of any other wells within the proration unit. ____

7. A copy of the State Spacing Order, or, as applicable, the appropriate reference to a State regulation and/or a Federal unit agreement. ____

8. For a new well which was spudded after February 19, 1977, and before January 1, 1979, and drilled as an additional well into an existing proration unit, and for similar new wells spudded after December 31, 1978, a copy of the record developed prior to the commencement of drilling sufficient to support a finding that the new well is necessary. ____

9. Other: _____

_____

_____

_____ ____

For Section 107(c), High-Cost Natural Gas

Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

1. Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act. ____

2. A statement(s) under oath as required by the FERC for each application, including answers to certain questions as applicable. ____

3. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or the working interest owners. ____

4. A statement of certification for each of the supporting documents, except for the conventional Geological Survey agreements and forms already certified. ____

5. All of the Forms 9-330, Well Completion or Recompletion Report and Log. ____

6. Well-logs or service company reports or other such information corroborating the well completion depth. ____

7. Directional drilling survey. ____

8. Water depth at well location (OCS leases). ____

9. Other: _____

_____

_____

_____ ____

For Section 108(b), Stripper-Well Natural Gas

Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

1. Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act. ____

2. A statement(s) under oath as required by the FERC for each application, including answers to certain questions as applicable. ____

3. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or the working interest owners. ____

4. A statement of certification for each of the supporting documents except for the conventional Geological Survey agreements and forms already certified. ____

5. Form 9-330, Well Completion or Recompletion Report and Log. ____

6. As applicable, complete a. or b. below:

   a. When applying under 18 CFR 274.206(a)(3)(i) or (ii), natural gas production (MCF's) in table form by month for 12 preceding months using a 14.73 psia base pressure. Also, for oil wells the oil production (bbls) by month for the last 3 months. ____

      A statement on the average per production day for the last 3 months of production. (Note the production day definition, section 108 of the Natural Gas Policy Act.) ____

      A statement on the maximum efficient rate of flow based on the average of the 12 preceding months of production. ____

      An explanation of any zero production months during the 12-month period. ____

      For producing wells with a zero production rate for more than 270 producing days during the 12 preceding months, a listing of the production by month for a maximum of 36 preceding months or for as long as the well has existed. ____

   b. When applying under 18 CFR 274.206(a)(3)(iii), natural gas production (MCF's) in table form by month for 3 preceding months using a 14.73 psia base pressure. Also, for oil wells, the oil production (bbls) by month. ____

      A statement on the average per production day for the above 3 months of production. (Note the production day definition, section 108 of the Natural Gas Policy Act.) ____

Copies or a listing of continuous 24-hour production tests for the 3 preceding months showing by day the production, the choke size, the wellhead pressure upstream of the choke, and the flow line meter pressure. ____

A statement on the maximum efficient rate of flow based on the average of the nonzero daily production tests for the 3 preceding months. ____

A statement on the length and size of flow line from well to meter and on the approximate flow line pressure loss at the maximum efficient rate. (Consult the Oil and Gas Supervisor as needed for several wells connected to a single common meter.) ____

7. A statement on the number of days the well was off production during the 3 preceding months with reasons respectively by day or groups of days. ____

8. Form 9-152, Monthly Report of Operations-Outer Continental Shelf, or Form 9-329, Monthly Report of Operations-Public Lands, for 12 months preceding this application (or for 3 months if applying under 18 CFR 274.206(a)(3)(iii)). ____

9. An inventory of the well production equipment and of the lease production equipment connected to the well for the past 24 months or for such lesser period as the well has been in production prior to the date of filing. The inventory shall include, but shall not be limited to, such items as: wellhead, tubing, and flow line equipment, artificial lift devices, down-hole regulators and safety valves, tubular unloading devices, surface regulators and mechanical chokes, separation and treatment facilities, and compressors. ____

10. A statement identifying any equipment or processes used for enhanced recovery during the well completion or during production subsequent to well completion but prior to the date of filing. (If none, indicate none.) The statement may make reference to an enclosed report for details. ____

11. For a well with increased production not due to enhanced recovery but which requires giving notice, submit the information required by 18 CFR 274.206(b). ____

12. For a well with increased production resulting from enhanced recovery techniques:

Names and addresses of the applicant and purchasers. ____

Well identification, reference to the determination qualifying the well as a stripper well, and the notice, if any, filed by the purchaser pursuant to 30 CFR 271.805. ____

A sworn statement in compliance with 18 CFR 274.206(c)(4). ____

A description of all processes used or equipment installed, and respective dates. ____

13. For a seasonally affected well:

Name and address of the applicant and purchasers. ____

Well identification, reference to the original stripper well qualification, and any notice filed by a purchaser pursuant to 18 CFR 271.805. ____

Production records for a period of 24 months, including the 90-day or 12-month production period which is the subject of the notice by the operator or the purchaser. ____

A description of the nature of the seasonal fluctuations. ____

A sworn statement in compliance with 18 CFR 274.206(d)(5). ____

14. Other: _____

_____

_____

_____ ____

SAMPLE

APPLICATION PURSUANT TO
SECTION 102(c)(1)(A) OF
THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

AFFIDAVIT

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and County aforesaid, personally came and appeared _____(name)_____, who, being by me first duly sworn, deposed and said:

That he is the _____(title)_____ for _____(company)_____, the applicant for the well as described heretofore in this application, and, in that capacity, he is requesting the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey, to determine the eligibility of said well for wellhead pricing purposes pursuant to the rules and regulations of the Geological Survey and the Federal Energy Regulatory Commission and to the NGPA.

That the natural gas from the well _____, API No. _____, is, or is to be, produced from a new Outer Continental Shelf lease which is a lease of submerged acreage, entered into with the Secretary of the Interior after April 19, 1977.

He further states that he has mailed, or caused to be mailed, postage prepaid, a copy of the completed Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, to the purchaser(s) and to the colessee(s) and/or working interest owners, which are listed separately.

To the best of his knowledge and belief, all information contained in this application for category determination, pursuant to the NGPA, is true and correct including all documents, testimony, and evidence submitted with the application.

Signed _____

_____

_____
Title

Subscribed in my presence and duly sworn to before me, this _____ day of _____, 19___.

_____
Notary Public

My commission expires _____.

SAMPLE

APPLICATION PURSUANT TO
SECTION 102(c)(1)(B) OF
THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

AFFIDAVIT

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and County aforesaid, personally came and appeared _____(name)_____, who, being by me first duly sworn, deposed and said:

That he is the _____(title)_____ for _____(company)_____, the applicant for the well as described heretofore in this application, and, in that capacity, he is requesting the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey, to determine the eligibility of said well for wellhead pricing purposes pursuant to the rules and regulations of the Geological Survey and the Federal Energy Regulatory Commission and to the NGPA.

That he has made, or has caused to be made, pursuant to his instructions, a diligent search of all records (including but not limited to production, severence tax, and royalty payment records) which are reasonably available and contain information relevant to the determination of eligibility. Said search was made in the following manner:

_____(describe the search made)_____

The following records were examined and reviewed:

_____(name and describe all records examined and state the location)_____

The following records may also contain relevant information to this application but were not searched by him or at his direction because he determined that they were not reasonably available to him:

_____(list records, locations, and state reasons for being unavailable)_____

2.5 Mile-Test: Based upon the search and examination described above, he has concluded to the best of his information and knowledge that there is no marker well within a 2.5-mile radius of the well _____, API No. _____, and that he has no knowledge of any other information not described in the application which is inconsistent with this conclusion.

1,000 Feet Deeper Test: Based upon the search and examination described above, he has concluded to the best of his information and knowledge that there is no marker well within a 2.5 mile radius of the well _____, API No. _____, which has a completion location less than 1,000 feet above the completion location of the new well, and that he has no knowledge of any other information not described in the application which is inconsistent with this conclusion.

He further states that he has mailed, or caused to be mailed, postage prepaid, a copy of the completed Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, to the purchaser(s) and to the colessee(s) and/or working interest owners, which are listed separately.

To the best of his knowledge and belief, all information contained in this application for category determination, pursuant to the NGPA, is true and correct including all documents, testimony, and evidence submitted with the application.

Signed. _____

_____

_____
Title

Subscribed in my presence and duly sworn to before me, this _____ day of _____, 19___.

_____
Notary Public

My commission expires _____.

SAMPLE

APPLICATION PURSUANT TO
SECTION 102(c)(1)(C) OF
THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

AFFIDAVIT

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and County aforesaid, personally came and appeared _____ (name) _____, who, being by me first duly sworn, deposed and said:

That he is the _____ (title) _____ for _____ (company) _____, the applicant for the well as described heretofore in this application, and, in that capacity, he is requesting the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey, to determine the eligibility of said well for wellhead pricing purposes pursuant to the rules and regulations of the Geological Survey, and the Federal Energy Regulatory Commission and to the NGPA.

That he has made, or has caused to be made, pursuant to his instructions, a diligent search of all records (including but not limited to production, severence tax, and royalty payment records) which are reasonably available and contain information relevant to the determination of eligibility. Said search was made in the following manner:

_____ (describe the search made) _____

_____

The following records were examined and reviewed:

_____ (name and describe all records examined and state the location) _____

_____

_____

The following records may also contain relevant information to this application but were not searched by him or at his direction because he determined that they were not reasonably available to him:

_____ (list records, locations, and state reasons for being unavailable) _____

_____

_____

Based upon the search and examination described above, he has concluded to the best of his information and knowledge that the gas to be produced and for which he seeks a determination is from a new onshore reservoir, and that he has no knowledge of any other information not described in the application which is inconsistent with this conclusion.

That, to the best of his knowledge, information, and belief and on the basis of the results of the search and examination, he answers the following questions:

(1) Was the natural gas produced in commercial quantities from the reservoir before April 20, 1977? Answer: _____

(2) Was the reservoir penetrated before April 20, 1977, by an old well from which natural gas or crude oil was produced in commercial quantities from any reservoir: Answer: _____

(3) In the event the answer to (2) immediately above is in the affirmative, state if natural gas could have been produced in commercial quantities from the reservoir before April 20, 1977, from any old well described in said question (2). Answer: _____

(4) If the natural gas is to be produced through an old well, were suitable facilities for the production and delivery to a pipeline of such natural gas in existence on April 20, 1977? Answer: _____

[If applicant is unable to answer in the negative the questions set out in questions (2) and (3) above, he should provide below the information upon which he bases his conclusion that the natural gas for which a determination is sought is to be produced from a new onshore reservoir.]

_____

_____

He further states that he has mailed, or caused to be mailed, postage prepaid, a copy of the completed Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, to the purchaser(s) and to the colessee(s) and/or working interest owners, which are listed separately.

To the best of his knowledge and belief, all information contained in this application for category determination, pursuant to the NGPA, is true and correct including all documents, testimony, and evidence submitted with the application.

Signed _____

_____

_____

Title

Subscribed in my presence and duly sworn to before me, this _____ day of _____, 19___.

_____

Notary Public

My commission expires _____.

SAMPLE

APPLICATION PURSUANT TO
SECTION 102(d) OF
THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

AFFIDAVIT

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and County aforesaid, personally came and appeared _____(name)_____, who, being by me first duly sworn, deposed and said:

That he is the _____(title)_____ for _____(company)_____, the applicant for the well as described heretofore in this application, and, in that capacity, he is requesting the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey, to determine the eligibility of said well for wellhead pricing purposes pursuant to the rules and regulations of the Geological Survey and the Federal Energy Regulatory Commission (FERC) and to the NGPA.

(Include the following only if applicable under the FERC regulation 18 CFR 274.203(e)(4).)

That the date of penetration of the reservoir was before July 27, 1976, and that no production tests or capability evidence such as those described in 18 CFR 274.203(e)(1), (2), and (3) were in existence, nor was any other evidence in existence, on the date the reservoir was penetrated to indicate that the reservoir was capable of producing in paying quantities or was commercially producible.

That he has made, or has caused to be made, pursuant to his instructions, a diligent search of all records (including but not limited to production, severence tax, and royalty payment records) which are reasonably available and contain information relevant to the determination of eligibility. Said search was made in the following manner:

_____(describe the search made)_____

_____

The following records were examined and reviewed:

_____(name and describe all records examined and state the location)_____

_____

_____

The following records may also contain relevant information to this application but were not searched by him or at his direction because he determined that they were not reasonably available to him:

(list records, locations, and state reasons for being unavailable)

Based upon the search and examination described above, he has concluded to the best of his information and knowledge that the natural gas for which this determination is being sought is produced (or will be produced) from a new OCS reservoir, and that he has no knowledge of any other information not described in the application which is inconsistent with this conclusion.

He further states that he has mailed, or caused to be mailed, postage prepaid, a copy of the completed Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, to the purchaser(s) and to the colessee(s) and/or working interest owners, which are listed separately.

To the best of his knowledge and belief, all information contained in this application for category determination, pursuant to the NGPA, is true and correct including all documents, testimony, and evidence submitted with the application.

Signed _____

_____

_____
Title

Subscribed in my presence and duly sworn to before me, this _____ day of _____, 19___.

_____
Notary Public

My commission expires _____.

SAMPLE

APPLICATION PURSUANT TO
SECTION 103(c) OF
THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

AFFIDAVIT

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and County aforesaid, personally came and appeared _____ (name) _____, who, being by me first duly sworn, deposed and said:

That he is the _____ (title) _____ for _____ (company) _____, the applicant for the well as described heretofore in this application, and, in that capacity, he is requesting the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey, to determine the eligibility of said well for wellhead pricing purposes pursuant to the rules and regulations of the Geological Survey and the Federal Energy Regulatory Commission and to the NGPA.

That to the best of his information and knowledge the surface drilling of the well for which he seeks a determination was begun after February 18, 1977, and that the well satisfies any applicable Federal or State well-spacing requirements.

He further states that application is made pursuant to 18 CFR 274.204(d) (final rule, pages 21008 and 21009, Federal Register, April 9, 1979) and that

a. The well is not within a proration unit:

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

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

(3) Which applied to any other well which either produced natural gas in commercial quantities or the surface drilling of which began after February 18, 1977, and was thereafter capable of producing natural gas in commercial quantities.

[For applications submitted pursuant to 18 CFR 274.204(f) for wells added within an existing proration unit, the provisions of "a" above are not appropriate and therefore are not a part of the sworn statement.]

That he has concluded that to the best of his information and knowledge the natural gas for which he seeks a determination is produced from a new onshore production well; and that he has no knowledge of any other information not described in the application which is inconsistent with this conclusion.

He further states that he has mailed, or caused to be mailed, postage prepaid, a copy of the completed Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, to the purchaser(s) and to the colessee(s) and/or working interest owners, which are listed separately.

To the best of his knowledge and belief, all information contained in this application for category determination, pursuant to the NGPA, is true and correct including all documents, testimony, and evidence submitted with the application.

Signed _____

_____

_____
Title

Subscribed in my presence and duly sworn to before me, this _____ day of _____, 19___.

_____
Notary Public

My commission expires _____.

SAMPLE

APPLICATION PURSUANT TO
SECTION 107(c) OF
THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

AFFIDAVIT

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and County aforesaid, personally came and appeared _____ (name), who, being by me first duly sworn, deposed and said:

That he is the _____ (title) for _____ (company), the applicant for the well as described heretofore in this application, and, in that capacity, he is requesting the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey, to determine the eligibility of said well for wellhead pricing purposes pursuant to the rules and regulations of the Geological Survey and the Federal Energy Regulatory Commission and to the NGPA.

That the surface drilling of the well _____, API No. _____, began after February 18, 1977, and that the well completion location from which the subject gas is produced is below a true vertical depth of 15,000 feet; and that he has no knowledge of any other information not described in the application which is inconsistent with this conclusion.

He further states that he has mailed, or caused to be mailed, postage prepaid, a copy of the completed Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, to the purchaser(s) and to the colessee(s) and/or working interest owners, which are listed separately.

To the best of his knowledge and belief, all information contained in this application for category determination, pursuant to the NGPA, is true and correct including all documents, testimony, and evidence submitted with the application.

Signed _____

_____

_____
Title

Subscribed in my presence and duly sworn to before me, this _____ day of _____, 19___.

_____
Notary Public

My commission expires _____.

SAMPLE

APPLICATION PURSUANT TO
SECTION 108(b) OF
THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

AFFIDAVIT

STATE OF _____ COUNTY OF _____

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the State and County aforesaid, personally came and appeared _____ (name), who, being by me first duly sworn, deposed and said:

That he is the _____ (title) for _____ (company), the applicant for the well as described heretofore in this application, and, in that capacity, he is requesting the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey, to determine the eligibility of said well for wellhead pricing purposes pursuant to the rules and regulations of the Geological Survey and the Federal Energy Regulatory Commission and to the NGPA.

That he has made, or has caused to be made, pursuant to his instructions, a diligent search of all records (including but not limited to production, severence tax, and royalty payment records) which are reasonably available and contain information relevant to the determination of eligibility. Said search was made in the following manner:

(describe the search made)

The following records were examined and reviewed:

(name and describe all records examined and state the location)

The following records may also contain relevant information to this application but were not searched by him or at his direction because he determined that they were not reasonably available to him:

(list records, locations, and state reasons for being unavailable)

Based upon the search and examination described above, he has concluded to the best of his information and knowledge that the well _____, API No. _____, is a stripper well, and that he has no knowledge of any other information not described in the application which is inconsistent with this conclusion.

He further states that he has mailed, or caused to be mailed, postage prepaid, a copy of the completed Form FERC 121, Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act, to the purchaser(s) and to the colessee(s) and/or working interest owners, which are listed separately.

To the best of his knowledge and belief, all information contained in this application for category determination, pursuant to the NGPA, is true and correct including all documents, testimony, and evidence submitted with the application.

Signed _____

_____

_____

Title

Subscribed in my presence and duly sworn to before me, this _____ day of _____, 19___.

_____

Notary Public

My commission expires _____.

[FR Doc. 79-22250 Filed 7-18-79; 8:45 am]
BILLING CODE 4310-31-C

federal register

Thursday
July 19, 1979

Part V

Department of Energy

Economic Regulatory Administration

Motor Gasoline Allocation and Retailer Price Rules

DEPARTMENT OF ENERGY

10 CFR Part 211

[Docket No. ERA-R-79-36]

Motor Gasoline Allocation, Assignments to New Retail Sales Outlets

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule and Request for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a final rule on an emergency basis which amends part of its May 4, 1979 interim final rule on motor gasoline allocation. The rule provides a 50,000 gallon per month ceiling on the allocation of motor gasoline to new retail sales outlets for which by July 6, 1979 no substantial investment was made. A substantial investment would include an expenditure or commitment of resources equal to 25 percent of the total capital costs (excluding the cost of the land) of the outlet.

DATES: Effective date: July 6, 1979. Expiration date: Midnight, October 31, 1979. Requests to speak by September 12, 1979. Written comments by September 20, 1979. Hearing date: September 20, 1979.

ADDRESSES: Written comments and requests to speak to Office of Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-36, Washington, D.C. 20461. Hearing location: Room 2105, 2000 M Street, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert G. Gillette (Comment Procedures), Economic Regulatory Administration, 2000 M Street NW., Room 2214B, Washington, D.C. 20461, (202) 254-5201.

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

William Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2304, Washington, D.C. 20461, (202) 254-8034.

Alan Lockard (Office of Fuels Regulations), Economic Regulatory Administration, 2000 M Street NW., Room 6222, Washington, D.C. 20461, (202) 254-7422.

Joel M. Yudson (Office of General Counsel), Department of Energy, 1000 Independence Avenue SW., Room 6A-127 Washington, D.C. 20585, (202) 252-6744.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Procedural Requirements.
III. Amendments Adopted.
IV. Additional Comments Requested.
V. Written Comment and Public Hearing Procedures.

I. Background

On May 1, 1979, the ERA issued an interim final rule and notice of proposed rulemaking (44 FR 26712, May 4, 1979) effective through September 30, 1979 pertaining to the allocation of motor gasoline. Among other things, the rule updated the base period year and adopted an unusual growth provision. It also contained a provision that allowed firms operating new retail outlets to agree with a supplier as to an appropriate base period use and to receive product on an interim basis pending an assignment by an ERA Regional Office. The new outlet's supplier in turn could certify its additional supply obligation to its supplier who would be required to supply such volumes.

With respect to the base period use for new retail outlets, the regulation provided that new outlets that came into business during or after the new base period would be able to receive for any base period month in which it made no purchases an assignment of a base period use equal to its average monthly purchases during the months October 1978 through February 1979 provided that it purchased motor gasoline during at least three of those five months. For new outlets that purchased motor gasoline in fewer than three of those months or which entered business after that time, the ERA Regional Office would assign a base period use in accordance with the already established "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Sales Outlets" (Guidelines). The Guidelines require that the base period use for a new gasoline retail outlet will be the average base period use for retail sales outlets of a similar size (number of pumps) and nature (full service, gas only, self service, car wash, etc.) in the same market area. In a period of shortage, such a formula may benefit new high volume stations over existing lower volume full service type outlets since assignments for the former are determined by reference to high volume stations while the existing stations' allocations are based on their historical use.

In addition, it has been asserted that pending assignments of a base period use some jobbers and others have been supplying new outlets with higher volumes than the rules or Guidelines allow. Such suppliers have then been certifying upward those volumes to their suppliers.

Moreover, during this period of gasoline shortage large aggregate allocations to certain new outlets further reduce prime suppliers' allocation fractions and thus may contribute to the economic hardship being experienced by many branded independent dealers.

In the present shortage situation, such incentives to the growth of new high volume stations are unjustified and, to prevent the situation from worsening, an immediate limit on the size of allocations to new outlets is necessary. Accordingly, we are issuing a rule to reduce the disproportionate amount of gasoline that would otherwise be channeled through new outlets at the expense of existing ones. The rule will be effective immediately and remain in effect through October 31, 1979. As we said in our Notice of Intent to Issue a Final Rule that was issued on July 6, 1979 (44 FR 40621, July 11, 1979), the rule will be effective for assignments issued subsequent to July 6, 1979.

II. Procedural Requirements

We are soliciting comments and will hold a hearing on this rule. DOE will review the comments and other relevant parts of the record and will determine whether the rule should be extended and whether modifications are appropriate. The specific statutory requirements applicable to emergency rulemakings have been satisfied as follows:

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

Section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) requires that general notice of proposed rulemaking shall be published in the Federal Register unless persons subject to it are named and have actual notice of the proposal. Except when notice or hearing is required by statute, the requirement for a notice of proposed rulemaking does not apply when the agency finds (and incorporates the findings and a brief statement of its reasons) that notice and public procedure theron are impracticable, unnecessary or contrary to the public interest.

Under section 501(e) of the Department of Energy Organization Act (Pub. L. 95-91, DOE Act), we may waive the prior notice and hearing requirements of subsections (b), (c) and (d) of section 501 upon our finding that strict compliance with these requirements is likely to cause serious

harm or injury to the public health, safety or welfare.

We believe findings waiving the section 553(b) and section 501 requirements can be made. As noted above, a ceiling on allocations to new retail outlets is necessary immediately to eliminate the dislocations and competitive imbalances caused by the continued application of the Guidelines without adequate regard given to the widespread harm that such assignments are causing existing outlets during the current gasoline shortage. In accordance with section 501, we will receive both oral and written comments on this action within a reasonable period after issuance of this rule.

B. Section 404 of the DOE Act

Section 404(a) of the DOE Act requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of functions transferred to him under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under sections 402 (a)(1), (b) and (c)(1) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

The FERC has been notified of this rule and has declined to determine that it may significantly affect one of its functions under the sections noted above.

C. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275, "FEA Act"), the ERA Administrator shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action.

However, the prior review required may be waived for a period of fourteen days if there is an emergency situation which requires making effective the action proposed to be taken at a date earlier than would permit the EPA Administrator the five working days opportunity for prior comment. Notice of any such waiver shall be given to the EPA Administrator and filed with the **Federal Register** with the publication of notice of proposed or final agency action and shall include an explanation of the reasons for such waiver, together with supporting data and a description of the factual situation in such detail as is determined will apprise the EPA and the public of the reasons for such waiver.

We have determined that the five working days opportunity for prior comment by the EPA Administrator should be waived. The reasons for the waiver are the same ones which support making this rule immediately effective and are set forth in the preceding sections of this preamble.

A copy of this rule has been provided to the EPA and the EPA Administrator's comments, if any, will be considered.

D. Section 553(d) of the Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act requires that a substantive rule will not become effective less than thirty days after its publication. This requirement will not be applicable if an agency finds good cause to waive this requirement and publishes this finding together with the rule.

The need for immediate adoption of this rule provides good cause to waive the section 553(d) requirement.

E. Executive Order 12044

The sixty-day advance public comment period and the other procedures required for proposed rulemakings pursuant to Executive Order 12044, entitled "Improving Government Regulations" (43 FR 12661, March 24, 1978) and DOE's implementing procedures, DOE Order 2030.1 (44 FR 1032, January 3, 1979), have been waived by the Deputy Secretary of Energy for the same reasons that require the rule to be effective immediately.

III. Amendments Adopted

Through October 31, 1979 we are limiting allocations to new retail outlets for which by July 6, 1979 a substantial investment had not yet been made. By substantial investment we mean an expenditure or commitment of resources equal to 25 percent of the total capital costs (excluding the cost of the land) of the outlet. For a newly-constructed station, such capital costs would include the actual expenditure or contractual commitment for the construction of the building and appurtenant facilities and the installation of pumps and storage tanks. The ERA Regional Office will make the necessary determination in each case.

The limitation will apply only for those retail sales outlets for which no assignment of a base period use was made by July 6, 1979. If an assignment had been made by that date, it will continue to be valid. If a substantial investment had been made by that date, the limitation will also not apply.

With respect to assignments made under the new rule, i.e., allocations to new retail sales outlets for which there was no substantial investment by July 6, 1979, ERA will continue to assign base period use in accordance with the Guidelines, but the ERA will not assign a base period use in excess of 50,000 gallons, a volume slightly higher than the national average monthly sales volume during the base period year of all retail sales outlets in the nation. Thus, if, based on a comparison with outlets of similar size and nature in the area, the applicant would receive less than 50,000 gallons per month, the ERA will assign the lower volume as a base period use. However, if under the Guidelines the allocation would be greater than 50,000 gallons per month, the ERA will assign a base period use of 50,000 gallons.

The national average monthly sales volume of gasoline retail sales outlets was determined from the DOE's Energy Information Administration's March 1979 document entitled *Petroleum Market Shares* (released for printing on June 15, 1979). The *Petroleum Market Shares* data was compiled for three distinct sets of outlets: Refiner-marketers (company-owned and operated); non-branded independent marketers; and branded independent marketers. For the refiner-marketers, the information was obtained from DOE Form P–306; for the non-branded and branded independent marketers, the information was obtained from the Bureau of Census Forms SG–1, 2 and 4. The document contains a comparison of July 1978 and January 1979 figures for each group, as well as the national average. The number of outlets in each category is also included. This data is set forth below:

Gasoline Retail Sales Outlets' Market Shares and Monthly Volumes

		Type of outlet			
		Refiner-marketer	Non-branded independent	Branded independent	All categories
January 1979	No. of Stations	14,949	14,300	138,000	167,249
	Avg. monthly volume (gallons).	79,250	48,951	31,427	37,200
July 1978	No. of stations	15,632	15,600	146,600	177,832
	Avg. Monthly Volume (gallons).	83,227	55,624	34,033	40,246

During July 1978, a base period month generally reflecting seasonal peak demand during a time of adequate supply, the national average sales volume at all retail outlets was approximately 40,000 gallons per month. This is a higher average than occurred, for instance, in January 1979, a winter month after the base period during a time of increasingly tight supplies. We have selected 50,000 gallons per month to be the maximum volume assignable to new retail sales outlets. That volume is slightly higher than the actual national average sales volume for the entire base period year for all retail outlets, but is lower than the average sales volume during the base period for non-branded and refiner-operated outlets.

Firms which would experience a serious hardship or gross inequity if a monthly base period use of 50,000 gallons or less is assigned may apply for exception relief to DOE's Office of Hearings and Appeals. It should not be presumed that relief will be granted and, unless specific authorization is obtained from DOE, suppliers may not agree to supply a volume in excess of 50,000 gallons monthly as a base period use at a retail sales outlet for which a substantial investment was not made by July 6, 1979.

IV. Additional Comments Requested

Firms that have already made substantial investments in new retail sales outlets have relied on our past regulatory policies which encouraged new market entries and in many instances provided for high volume allocations. For those firms which made such investments by July 6, 1979, the date we first announced our intent to revise our regulations, we do not believe it would be appropriate, without notice and the opportunity for public comment, to change retroactively those rules and impose a ceiling on base period volumes assigned. However, we have been urged by representatives of large numbers of retail dealers to apply this rule retroactively. We request your comments on this recommendation.

Specifically, if we were to extend the operation of the rule to stations that are already operating, to which kinds of stations should we impose allocation ceilings? Should we apply such a rule to "gas and go" type operations? We are particularly interested in receiving information as to the ownership of such operations, i.e., the number of such stations that are jobber-owned, refiner-owned or independently owned. Should the rule only be applied to certain ownership categories of "gas and go" stations, and, finally, how should "gas and go" be defined? If we were to adopt an allocation limitation for "gas and go" stations, should we only apply it to outlets which came into business subsequent to the 1977–1978 base period or should it apply to all such stations which began business subsequent to 1972 or since some other date? Should such a rule be adopted abruptly or be phased-in gradually?

We are concerned about possible legal problems associated with extension of the current rule and wish to receive comments on these issues. We intend to make a decision by September 30, 1979 on whether the allocation limitation should be retroactively applied.

V. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the matters contained in the rule. Comments should be submitted by 4:30 p.m., e.d.t., on the date set forth in the "Dates" section of this notice to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope and on the document with the docket number and the designation: "Motor Gasoline Allocation—Assignments to New Retail Outlets." Ten copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for Requests to Make Oral Presentation.*—If you have any interest in the matters discussed in the rule, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make oral presentation by 4:30 p.m., local time, on the date set forth in the "Dates" section of this notice for the hearing. You should also provide a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m., e.d.t., September 17, 1979. You will be required to submit one hundred copies of your statement to the hearing location, indicated in the "Addresses" section of this notice, before 4:30 p.m., e.d.t., on the day before the hearing.

2. *Conduct of the Hearing.*—We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, 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.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by hearing panel members. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak before 4:30 p.m., e.d.t., on the day before the hearing. If you wish to have a question asked at the hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at the hearing, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer.

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 the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., Between the hours of 8:00 am. and 4:30 p.m., Monday through Friday. You may purchase copies of the transcript of the hearing from the reporter.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective July 6, 1979 through October 31, 1979.

Issued in Washington, D.C., July 15, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

Subparagraph (a)(2) of paragraph (a) of § 211.105 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 211.105 Supplier/purchaser relationships.

(a) *New wholesale purchasers.*

* * * * *

(2) * * *

(ii) As to a new retail sales outlet which does not qualify for a determination of a base period use under paragraph (2)(i) above, an assignment of a base period use will be made by the ERA Regional Office under the "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Sales Outlets." However, as to a retail outlet for which by July 6, 1979 the investment in the capital costs of the outlet (excluding the cost of land) did not exceed 25 percent of total capital costs, ERA will not, through October 31, 1979, assign a base period use in excess of 50,000 gallons per month.

* * * * *

[FR Doc. 79-22258 Filed 7-16-79; 4:05 pm]

BILLING CODE 6450-01-M

10 CFR Part 212

[Docket No. ERA-R-79-32-A]

Amendments to the Retailer Price Rules for Motor Gasoline

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts the following amendments to the retailer price rules for motor gasoline.

1. The maximum lawful selling price for retail sales of each type or grade of gasoline shall be their acquisition cost, plus applicable taxes, plus 15.4 cents per gallon.

2. The acquisition cost for firms which have made their last three purchases from the same supplier shall be the price paid in the most recent purchase of gasoline. All other firms must use the weighted average price paid in their last three (3) purchases of gasoline in determining their acquisition cost. DOE retains the authority to disallow from the acquisition cost computation purchases of amounts of gasoline which have the effect of frustrating the purpose of the price regulations.

3. Retail dealers will not be allowed to pass through current and prospective "banks" of unrecovered costs.

4. The Governor of a State may increase the margin charged by retailers in that State.

5. Retailers shall post in a prominent place their maximum allowable margin and the maximum allowable price permitted under these regulations.

EFFECTIVE DATE: July 15, 1979.

OTHER DATES: Comments by November 16, 1979, 4:30 p.m.

ADDRESSES: All comments to Public Hearing Management; Docket No. ERA-R-79-32; Department of Energy, Room 2313, 2000 "M" St. N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures) Economic Regulatory Administration, Room 2214-B, 2000 "M" Street, N.W., Washington, D.C. 20461, (202) 254-5201.

William Webb (Office of Public Information), Economic Regulatory Administration, Room B110, 2000 "M" Street, N.W., Washington, D.C. 20461, (202) 634-2170.

Ed Mampe or Chuck Boehl (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2314, 2000 "M" Street, N.W., Washington, D.C. 20461, (202) 254-7200.

William M. Lee (Office of General Counsel), Department of Energy, Forrestal Building, Room 6A-127, Washington, D.C. 20585, (202) 252-6754.

SUPPLEMENTARY INFORMATION:

I. Background
II. Amendments
III. Continuation of Rulemaking, Written Comments, and Effective Date
IV. Procedural Requirements

I. Background

On May 14, 1979, DOE issued a Notice of Intent to review its retailer price regulations applicable to motor gasoline in light of retailers' reduced allocations of gasoline and increasing non-product costs. On June 22, 1979, DOE issued a notice of proposed rulemaking and public hearing (44 FR 37316, June 26, 1979) proposing several major substantive changes to the rules as well as alternative regulatory schemes. Hearings were held in San Francisco, California on July 10 and 11 and in Washington, D.C. on July 12 and 13 concerning the proposed amendments and alternative regulatory schemes to the retailer price rules. There were over 97 witnesses at the hearings and written comments were received from many interested parties.

The purpose of the proposed amendments was two-fold. First, the amendments were designed to simplify the price rules applicable to retail sales of motor gasoline thereby easing administrative burdens on retailers and facilitating compliance with and enforcement of the rules. Second, with current reduced allocations and increased non-product costs caused by inflation, DOE wanted to determine if retailers were receiving appropriate margins and thus remaining economically viable.

At the hearings conducted by DOE, data was submitted and testimony presented which demonstrated to DOE the following immediate and critical problems in the retailer price rules.

A. Need to Simplify Rules

The provisions of the retailer price rules, in particular the "banking" provisions, have grown increasingly complex and difficult for retailers to understand and for DOE to enforce. Comments received by DOE from state and national retail associations and state energy offices which have been delegated the authority to enforce DOE rules repeatedly emphasized the urgent need to simplify the rules. These comments included the following representative statements:

"The DOE regulations are simply impossible to understand, let alone enforce. They are so long, difficult to understand, vague, . . . no small businessman can deal

with them." Letter to President Jimmy Carter from Jim Campbell, Executive Director, California Service Station Association, April 27, 1979.

"The existing regulations need to be changed to accommodate procedures which are simple, can be effectively communicated, uniformly applied and consistently enforced." Testimony of Theron Schnure on behalf of Governor Ella Grasso, State of Connecticut, July 12, 1979.

". . . replace the complete confusion of the present, complicated and inequitable regulations with a simple, clear regulation that everyone can understand." Testimony of Glenn Nillson, Executive Director, Lone Star Service Stations Association, July 12, 1979.

The need to eliminate the "banking" provisions, perhaps the most complex portion of the retailer price rule, in order to simplify the rules was stressed repeatedly.

"The New Jersey Department of Energy strongly supports the elimination of the banking system." Testimony of Joel Jacobson, Commissioner, New Jersey Department of Energy, July 12, 1979.

"One of the most difficult aspects of an audit is concerned with the 'bank' provision." Testimony of Theron Schnure, *op. cit.*

"Rather than try to determine from DOE's complex and confused rulings as to what constitutes a legitimate bank, most dealers would prefer a fair, adequate ceiling price and abandon their use of banks." Testimony of Vic Rasheed, Greater Washington/Maryland Service Station Association, July 12, 1979.

"We strongly support the elimination of the carry forward of unrecouped increased product cost or the so-called 'Banks' program." Testimony of Howard Roe, National Association of Truck Stop Operators, July 12, 1979.

B. Need to Adjust Retailers' Margins

The testimony submitted by a majority of the participants at the hearings stated that unless retail dealers were permitted promptly an adequate margin to reflect reduced allocations and increased non-product costs, many would go out of business causing severe disruptions and imbalances in the supply and distribution of gasoline.

"There is no provision whatsoever for reduced sales volumes due to the current shortage, or for the substantial increase in the cost of living. . . ." Testimony of James R. Carroll, Southern California Service Station Association, July 10, 1979.

"Immediate adoption of appropriate amendments to the current retail price rules for motor gasoline, adjusting dealer margins for inflation and for periods of short supply, is essential to the survival of the vast network of available product. . . ." Testimony of Jack Houston, National Congress of Petroleum Retailers, Inc.

We recognize that the non-product cost increases granted retailers since the price rules were adopted have lagged far behind inflation and therefore may jeopardize the viability of many retailers. The disruptions and imbalances in the supply of gasoline, which would be created if large numbers of retailers were forced out of the marketplace, must be prevented. Therefore DOE has determined to change the retailers' allowable margin so as to provide adequate compensation for increased non-product costs due to inflation.

C. Need to Eliminate Inflationary and Unfair "Bank" Rules

It is clear from the record that the rule which permits retailers to carry forward unrecouped costs for recovery at a future date (the "bank rule") may be highly inflationary and may cause distortions in the selling price of gasoline at the retail level. This potential is most likely to be realized and with the most damaging results in a time of shortage such as the present. First, it is only in a shortage situation that dealers will be able to pass through large amounts of such costs without losing their market share. While such results may be acceptable where short term regional shortages appear, the inflationary impact of massive banks in a situation of long term nationwide shortage cannot be tolerated.

"The passthrough of banked costs is grossly unfair to consumers. . . . [T]hat system of price setting . . . runs contrary to the price stabilization goals of the Administration's anti-inflationary efforts." Testimony of Clarence Ditlow, Center for Auto Safety, July 13, 1979.

Second, in a time of shortage it is particularly important that price regulations be easily enforceable and clearly understood both by the public and by retailers since it is at such times that the public is most vulnerable to price gouging. In the past weeks, "banks" have threatened to become a convenient excuse for any exorbitant price. The complexity of the regulations made it impossible for the public or for governmental enforcement authorities to determine in every instance which such claims were justified. As one witness testified:

"[t]he bank, permit[s] some dealers to charge virtually any price desired. . . ." Testimony of James R. Carroll, Southern California Service Station Association, July 10, 1979.

Finally, the complexity of the bank rules is not only unfair to consumers but also treats retailers unfairly as among themselves because of the different abilities of retailers to compile and produce documentation. Thus, in many instances, the retailer's ability lawfully to use banks may depend more on the sophistication of its recordkeeping than on whether it in fact has unrecouped costs.

For these reasons, among others, we have determined that certain immediate changes in the price rules are required. Accordingly, we are today adopting several of the proposed amendments with respect to retailers, effective immediately, and we are continuing the rulemaking proceeding with respect to refiners and resellers. DOE has determined that this action is necessary to prevent the severe economic harm which could result from continuing in effect a system of price regulations which are inflationary, unfair and often unenforceable.

II. Amendments Adopted

A. Maximum Lawful Selling Price

The maximum lawful selling price that may be charged in sales of motor gasoline by retailers is the gasoline acquisition cost plus 15.4 cents per gallon plus taxes. The new rule is significantly different from the current rule in that the use of the May 15, 1973 weighted average price is eliminated as the basis for computing price. Independent retailers will no longer calculate product cost increases on the basis of the weighted average cost of product in inventory.

We have applied a standard measure of inflation, the GNP deflator (which is used by DOE to calculate allowable increases in domestic controlled crude oil prices) to the average allowable margin of all retail stations in the U.S. in the first quarter of 1974 (10.5 cents). We then calculated inflation through the first quarter in 1979 using the GNP deflator and projected inflation for the second quarter of 1979.

These calculations yield a retailer margin of 15.4 cents per gallon, which we are hereby adopting as a fixed cents per gallon markup for all retail gasoline stations. This amount reflects increases in retailer non-product costs, and increases in the allowable margin adopted earlier this year by ERA for costs related to vapor recovery systems and rent passthrough. This fixed cents per gallon markup will be adjusted semi-annually beginning in December 1979 on the basis of the GNP deflator. For example, the December adjustment will be based on the first revision in the GNP deflator for the third quarter 1979, which is generally available the last week in November. In order to provide adequate time for dissemination of the revised

fixed cents per gallon markup, we will make it effective December 15, 1979. This method is consistent with the manner in which the GNP deflator is used in the DOE's domestic crude oil pricing policy and will assure retail gasoline dealers that the fixed cents per gallon markup will reflect increases in the rate of domestic inflation.

The present rules were based on a policy of freezing margins generally at 1974 levels but allowing unrecovered costs to be "banked" during periods of abundant supply and intense competition and allowing them to be recovered when supplies become tight. We have noted above the inequity to dealers and the lack of protection to consumers of both the frozen margin and banked costs aspects of the present rule. The rules being adopted today in effect reverse this approach: allowable margins will be adjusted to reflect cost factors not accounted for in the previous rules—past inflation and an escalator to reflect future inflation, and at the same time the ability to pass through banked costs will be eliminated. We believe that this system is fairer and more workable for all concerned than the present rules.

The new maximum allowable price is applicable only to the retailer's sales of gasoline. Since costs incurred in May 1973 are no longer part of the formula used by each covered retailer to compute its allowable price, retailers are no longer required to continue to provide customers, at no extra charge, with the same goods, services, premiums and credit terms as were in effect on May 15, 1973. Retailers may offer separately and charge separately for goods and services previously included in their May 15, 1973 price provided, however, that retailers may not condition their sale of gasoline on customers' purchases of any other such goods or services.

Retailers may recoup any federal, state, or local excise and sales taxes levied on sales of gasoline at the pump. Property, franchise, income, and other similiar taxes, which are levied on the firm, are considered part of the firm's non-product costs and must be paid for out of the dealer's margin.

B. Acquisition Cost

For firms with a sole supplier, the most recent acquisition cost means the per gallon price of the most recent purchase from that supplier and includes transportation costs associated with bringing the gasoline into the retailer's inventory. Firms with more than one supplier shall compute acquisition cost using the weighted average price paid for gasoline in the last three gasoline purchases made by the retailer from any of its suppliers. If a firm which generally has a sole supplier makes an unusual purchase of gasoline from a different supplier, it shall compute its acquisition costs for that purchase and the succeeding two (2) purchases in the same manner as firms with multiple suppliers.

For example, Retailer X, Retailer Y and Retailer Z make the following purchases of gasoline.

	Supplier	Cost (cents per gallon	Quantity (gallons)	Date
Retailer X	Supplier A	60	8,000	July 16.
	Supplier A	62	8,000	July 17.
	Supplier A	64	8,000	July 18.
Retailer Y	Supplier A	60	8,000	July 15.
	Supplier B	61	4,000	July 16.
	Supplier C	63	4,000	July 17.
	Supplier A	62	8,000	July 18.
Retailer Z	Supplier A	60	8,000	July 15.
	Supplier A	61	8,000	July 16.
	Supplier C	59	4,000	July 17.
	Supplier A	61	8,000	July 18.
	Supplier A	62	8,000	July 18.
	Supplier A	63	8,000	July 19.

On July 18 the acquisition cost for Retailer X is 64¢ per gallon, the most recent purchase price from its historical suppler. The acquisition cost for Retailer Y is 62¢ per gallon, the weighted average purchase price of the three most recent purchases. On July 17, Retailer Z, which normally only purchases gasoline from Supplier A, makes a spot purchase of gasoline. Because Retailer Z has more than one supplier, on July 17 its acquisition cost is computed using the weighted average invoice price of the three most recent purchases, and is 60.2¢ per gallon. On July 19, after Retailer Z has made three consecutive purchases from its historical supplier Retailer Z may again use the most recent purchase price, 63¢, to compute its acquisition cost.

We have decided to use the most recent purchase price as the acquisition cost for firms purchasing from sole suppliers so as to make implementation and enforcement of the rules as simple as possible. However, DOE retains the authority to disallow from the acquisition cost computation any purchases which are intended to circumvent the price rules.

C. Unrecouped Increased Costs ("Banks")

Existing unrecouped increased product costs may not be carried forward to be recouped at a later date. In addition, retailers will not be permitted to carry forward future increased costs for later recoupment.

DOE has determined that the elimination of current banks is necessary for three major reasons. First, if the retailer price rules are to be effectively implemented and enforced they must be simplified so that they are easily understood by retailers and consumers. The banking provision was one of the most complicated and difficult to understand parts of the price rules. As discussed above, comments from the industry indicate that most retailers found the banking rule difficult to understand and many firms did not have the resources to calculate banks accurately. Second, in a period of short supply banks are a volatile and highly inflationary factor. Retailers with large banked costs can charge prices substantially higher than firms which did not have banks or which did not have adequate records or resources to calculate banks. Third, the bank rules impact unfairly and unevenly on retailers because of their different resources for maintaining adequate records.

D. Posting Requirements

The rules currently require that retailers post the maximum lawful selling price on each retail pump. This provision is amended to require retailers to post the maximum lawful selling price in a prominent place in the retail station.

In addition, under the new rules, retailers will be required to post and maintain in legible form in a prominent place in the retail station, both the fixed cents per gallon markup and the maximum allowable price per gallon for each grade and type of gasoline permitted retailers under the DOE pricing rules. Both prices should be posted in numbers not less than four (4) inches high. For example the signs may state: "The maximum legal price for this

gasoline is ——¢ per gallon and includes a maximum cents per gallon markup of ——¢ per gallon." Because retailers are not required to charge the maximum markup the sign will not necessarily indicate the markup the retailer is actually charging. The retailer may, at its option, also indicate its actual markup and other pricing information but in any event it must post the maximum lawful margin and maximum lawful selling price in the size and location required.

Firms which fail to post accurately either of the numbers required to be posted by DOE shall decrease their maximum lawful selling price by five (5) cents per gallon for each day the firm violates the posting rules and for an additional 30 days after the firm begins complying with the rules.

E. Authorization to State Governors

The final rules adopted today adopt a nationwide fixed cents per gallon markup. While this change greatly simplifies the retail price rules for motor gasoline, we recognize that economic hardships may be created for certain retail dealers in areas with unusually high costs. In order to alleviate those hardships in a fair and expeditious manner, DOE authorizes the governor of each state to adjust the fixed per gallon markups permitted all or some of the retailers in the state by up to 10 cents per gallon where such increase is cost justified provided that (a) the Governor has given the ERA Administrator ten (10) days prior notice (including the cost justification for the increase) and (b) the ERA Administrator has not, within ten (10) days, objected to the increase. The Governor may allow other increases in the fixed cents per gallon markup (including cost justified increases above ten cents per gallon) only with the prior express approval of the ERA Administrator.

A governor's decision to adjust a retail dealer's margin shall be consistent with the objectives of the Emergency Petroleum Allocation Act and shall not be inconsistent with DOE regulations.

The Administrator of the ERA may disallow at any time any adjustment made by a governor to any retail dealer's fixed cents per gallon markup.

III. Continuation of Rulemaking, Written Comments and Effective Date

A. Continuation of Rulemaking

With respect to amendments proposed to retail sales of gasoline by refiners and resellers and the adjustments to reseller allowable margins, DOE is continuing this rulemaking proceeding and intends promptly to issue rules thereon. Pending completion of this rulemaking proceeding, the current rules will continue to apply with respect to resellers.

B. Written Comments

DOE will accept written comments on the final rules adopted today through November 16, 1979. DOE is permitting this extended comment period in order to allow interested parties to submit additional comments on appropriate changes or amendments to the rules once they are in effect.

C. Effective Date

The final rules adopted today are effective July 16, 1979. However, as an exercise of DOE enforcement discretion, DOE will permit a retailer to continue to price under the old rules until August 1, 1979, at which time these price rules become mandatory, provided that such retailer does not on any day after July 16 pass through (on a cents per gallon basis) banked costs in excess of those passed through on July 16, 1979. This fifteen (15) day period, in which retailers have the option of pricing under either the old or new price rules, is to allow retailers sufficient time to implement the new simplified pricing rules.

IV. Procedural Requirements

A. Section 501 of the DOE Act

Under section 501(e) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91, DOE Act), we may waive the prior notice and hearing requirements of subsections (b), (c) and (d) of section 501 upon our finding that strict compliance with these requirements is likely to cause serious harm or injury to the public health, safety or welfare. For the following reasons, DOE believes such a finding can and should be made in this instance. First, there is substantial evidence that there are significant problems with enforcement of the old rules. Second, severe disruptions and imbalances in the supply and distribution of motor gasoline could develop in the coming months. Third, the inflationary impact and price distortions caused by retailers recouping "banks" in the current shortage situation is causing serious economic harm and injury. Therefore, we have waived these requirements to the extent necessary to adopt these amendments effective immediately.

B. Section 404 of the DOE Act

Section 404(a) of the DOE Act requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of functions transferred to him or her under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under sections 402(a)(1) or (b) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

Following an opportunity to review the amendments adopted today the FERC has declined to determine that it may significantly affect one of its functions under the sections noted above.

C. Section 553 of the Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act requires that a substantive rule not become effective less than thirty days after its publication unless the agency promulgating the rule finds good cause to waive this requirement and publishes this finding together with the rule. We have determined that good cause is found to waive the section 553(d) requirement for the reasons stated above in support of adopting the amendments effective immediately.

D. Executive Order 12044

The sixty-day advance public comment period required for proposed rulemakings pursuant to Executive Order 12044, entitled "Improving Government Regulations" (43 FR 12661, March 23, 1978) and DOE's implementing procedures, DOE Order 2030 (44 FR 1032, January 3, 1979), have been waived by the Deputy Secretary of Energy for the reasons previously stated for adopting the amendments effective immediately.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective July 15, 1979.

Issued in Washington, D.C., July 15, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Section 212.92 is amended to delete the definitions of "Increased rental cost" and "Vapor recovery system cost."

2. Section 212.92 is amended to add two new definitions, "Acquisition cost" and "Tax cost." "Acquisition cost" is added as the first definition in the section and "Tax cost" is added after the definition of "Service agreement" and is the last definition in this section.

§ 212.92 Definitions.

For purposes of this Subpart—

"Acquisition cost" means: (a) For retailers which make three (3) consecutive purchases from the same supplier, the actual purchase price paid for the most recent purchase of a product, or (b) for all other retailers the weighted average purchase price paid for the three (3) most recent purchases computed on a cents per gallon basis and in either case includes transportation costs of bringing the product into inventory. In computing the acquisition cost, DOE may disallow any purchases which have the effect of frustrating the purpose of the price regulations.

* * * * *

"Tax cost" means federal, local, and state excise, sales, and other similiar taxes attributable to gasoline sales and computed on a cents per gallon basis. Federal, state, and local income, property, franchise, and other similar taxes are not included in this amount.

* * * * *

3. Section 212.93(a) is amended to read as follows:

§ 212.93 Price Rule.

(a)(1) Except for retailed sales of gasoline, a seller may not charge a price for an item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs concerned. Each seller shall maintain records sufficient to justify prices charged which reflect increased product costs, including, if applicable, records which demonstrate that the seller qualifies to determine increased product costs according to separate inventories. With respect to an item which is blended by the seller, and which was not sold by the seller on or before May 15, 1973, the "weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973" shall be imputed to be the lawful price charged by the seller for the predominant covered product in the blend in transactions with the class of purchaser concerned on May 15, 1973.

(2) With respect to sales of gasoline by retailers, a retailer may not charge a price in a sale of any type or grade of gasoline which exceeds the most recent acquisition cost plus 15.4 cents per gallon, plus tax cost attributable to sales of that type or grade of gasoline. Beginning December 15, 1979, DOE shall adjust semi-annually the fixed cents per gallon markup to reflect the GNP deflator.

(3) The maximum lawful selling price as defined in § 212.93(a)(2) shall be decreased by five (5) cents per gallon for the thirty (30) days immediately following the failure to comply with the posting requirements as set forth in § 212.129 (b) and (d).

(4)(i) Upon ten (10) days prior notice to the Administrator, the Governor of a state may increase the fixed cents per gallon markup as defined in subparagraph (a)(2) above for all or some of the retailers in the state by an amount not to exceed ten (10) cents per gallon provided the increase is cost justified and achieves the objectives of the EPAA. The Governor must receive prior approval from the Administrator to grant any other increases to the fixed cents per gallon markup.

(ii) Any adjustments to the fixed cents per gallon markup made by the Governor pursuant to this section may be disallowed by the Administrator at any time.

(iii) For purposes of this rule, the term "Governor" includes the Governors of the 50 States, and the Chief Executive Officers of the District of Columbia, Puerto Rico, and the territories and possessions of the United States, other than the Panama Canal Zone.

* * * * *

4. Section 212.93(b)(1) (i) and (ii) are deleted.

* * * * *

5. Section 212.93(e) is amended in the first line and a new paragraph (3) is added to read as follows:

(e) Notwithstanding the provisions of paragraph (a) of this section and except for retail sales of gasoline:

* * * * *

(3) With respect to retail sales of gasoline, increased product cost not recouped on or before July 16, 1979 shall not be carried forward pursuant to subparagraph (1) of this section to be recouped after July 16, 1979.

* * * * *

6. Section 212.129 is amended in paragraph (b) and a new paragraph (d) is added to read as follows:

§ 212.129 Price information and posting.

* * * * *

(b) Each retail seller of gasoline shall post and maintain in legible form, in numbers of a conspicuous size (not less than one-half (½) inch high), and in a prominent place on each face of each pump used to dispense gasoline in retail sales, or in numbers (not less than four (4) inches high) elsewhere at the retail outlet, the maximum permissible price allowed to be charged pursuant to Subpart E or F of this part for such product. The posting of the actual selling price is not considered to be the posting of the maximum permissible price as required by this section. Whenever an adjustment is made to the maximum permissible price, each seller must post the new adjusted maximum permissible price, and remove the prior posted price.

* * * * *

(d) Each retail seller of gasoline shall post and maintain in legible form, in numbers of a conspicious size (not less than four (4) inches high) and in a prominent place at the retail station the maximum fixed cents per gallon markup permitted retailers as defined in § 212.93(a)(2). Whenever an adjustment is made to the maximum fixed cents per gallon markup the retailer shall post the number within twenty-four (24) hours after the adjustment is made and remove the prior posted number.

* * * * *

[FR Doc. 79-22259 Filed 7-18-79; 4:05 pm]

BILLING CODE 6450-01-M

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10 CFR Part 211

[Docket No. ERA-R-79-35]

Amendments to Motor Gasoline Allocation Level Provisions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule and Notice of Public Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending the Mandatory Petroleum Allocation Regulations to provide that motor gasoline allocation levels for all priority uses specified in § 211.103 shall be based on usage during the period November 1977 through October 1978. These amendments are intended to

promote both the conservation of scarce gasoline supplies and the equitable distribution of this product among priority users. In view of this purpose, today's amendments are being adopted on an emergency basis so that they may be effective August 1, 1979.

DATES: Effective date: August 1, 1979. All requests to speak at a hearing by August 1, 1979, 4:30 p.m. Chicago, Illinois hearing: August 9, 1979, 9:30 a.m., Washington, D.C. hearing: August 16, 1979, 9:30 a.m. All written comments by August 31, 1979, 4:30 p.m.

ADDRESSES: All comments and requests to speak at a hearing to: Economic Regulatory Administration, Office of Public Hearings Management, Docket No. ERA–R–79–35, Room 2313, 2000 M Street, NW., Washington, D.C. 20461. Chicago hearing location: John C. Kluczinski Building, Room 3619, 230 S. Dearborn Street, Chicago, Illinois 60604. Washington hearing location: Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Comment Procedures), Economic Regulatory Administration, Room 2222–A, 2000 M Street NW., Washington, D.C. 20461, (202) 254–5201.
William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B–110, 2000 M Street NW., Washington, D.C. 20461, (202) 634–2170.
William E. Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street NW., Washington, D.C. 20461, (202) 254–8034.
Alan T. Lockard (Office of Fuels Regulation), Economic Regulatory Administration, Room 6222, 2000 M Street NW., Washington, D.C. 20461, (202) 254–7422.
Jack Kendall or Ben McRae (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6739.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Amendments Adopted.
III. Procedural Requirements.
A. Section 501 of the DOE ACT.
B. Section 404 of the DOE ACT.
C. Section 7 of the FEA Act.
D. Section 553 of the APA.
E. Executive Order 12044.
IV. Written Comment and Public Hearing Procedures
A. Written Comments.
B. Public Hearings.

I. Introduction

In order to minimize the adverse effects of the continuing shortage of motor gasoline supplies in this country, it is necessary that all users of this product make a concerted effort to reduce gasoline consumption. It is our intent that our regulations provide, to the extent practicable, for the equitable sharing of the responsibility to conserve our energy supplies while recognizing the priority needs of some categories of users.

Section 211.103 of the allocation regulations sets forth the allocation levels currently used in determining the volume of gasoline supplies to which priority users are entitled under the regulations. This section provides for the allocation of gasoline in amounts necessary to meet current requirements for use in agricultural production and for essential military purposes. Certain other priority uses, such as emergency services and energy production, are entitled to receive their current requirements, subject to an allocation fraction. The remaining priority uses listed in § 211.103 are allocated gasoline supplies based on usage in the period November 1977 through October 1978, subject to an allocation fraction.

During recent months the supply of gasoline has been significantly less than that available during this period last year. As a result, many non-priority users have received substantially less gasoline than they received during corresponding months in the period November 1977 through October 1978, which is specified in § 211.102 as the base period for purposes of the motor gasoline allocation regulations. The consequences of such shortfalls have been most pronounced with respect to retail outlets that serve the general public. The inability of retailers to maintain normal supplies has resulted in many motorists having to wait in long lines and, in some instances, being unable to obtain gasoline at all. During this same period, priority users whose allocation levels are based on current requirements have generally been unaffected by the shortage.

We believe that gasoline consumption by all priority users can be reduced to or nearly to base period levels by means of determined conservation efforts to make up differences between base period usage and current requirements. Accordingly, we have concluded that provisions under § 211.103 for the allocation of gasoline supplies based on the current requirements of some activities and services are unnecessary to insure the maintenance of those operations. Indeed, we believe that these provisions may actually be serving as a disincentive to conservation by some users whose allocation levels are currently based on stated current requirements. This is particularly serious in a shortage period since the failure of such users to reduce consumption where possible results in the reduction of supplies available for allocation to those users with allocation levels determined by base period usage.

In view of the above considerations, we have decided to amend § 211.103 to provide that the allocation levels for all priority users will be based on usage during the base period specified in § 211.102. We do not believe that this decision will create any substantial hardships for any priority users. Therefore, we believe today's action provides an effective means of responding to the current shortage situation, while continuing to appropriately recognize the importance of the activities and services rendered by those priority users whose allocation levels are presently based on current requirements. In any instance where reliance on base period usage would result in unavoidable hardship, relief will be available through our normal exception procedures. In addition, we are making special provisions as described below to insure the availability of supplies when needed for essential military purposes or to prevent the interruption of agricultural production activities.

In addition to promoting energy conservation by allocated users, we believe today's amendments to § 211.103 will also eliminate distribution problems resulting from the inability of some suppliers to anticipate with any confidence what the current requirements of particular purchasers will be. Since all allocation levels will now be determined by base period usage, suppliers will have a more reliable basis for determining their supply obligations and supply imbalances which may result from their uncertain supply obligations under the current provisions of § 211.103 will be reduced significantly.

Today's amendments also address another situation about which we have received numerous complaints. We have received frequent reports of exaggerated claims of current requirements by some priority users or their suppliers. In a period of shortage, consumers anticipating increasing difficulties in obtaining supplies may be expected to seek greater volumes than are actually needed to meet current needs. We have also received reports that some volumes obtained in this way are then resold outside the allocation system at substantially higher spot market prices. Such abuses as may have occurred under the current regulations should be

eliminated by basing current priority levels on base period usage.

II. Amendments Adopted

We are adopting amendments today which revise the allocation levels set forth in § 211.103. Effective August 1, 1979, § 211.103(b) will provide that an allocation level of one hundred percent of use in the base period, as currently defined in § 211.102, not subject to reduction by the application of an allocation fraction, will apply to the following uses: Essential military- and readiness-oriented operations of the Department of Defense; agricultural production; emergency services; energy production; sanitation services; telecommunication services; passenger transportation services; aviation ground support vehicles and equipment; and cargo, freight and mail hauling by truck.

Under today's amendments, suppliers will be required to supply these users with all volumes necessary to satisfy their allocation levels for gasoline prior to supplying any volumes to those priority users whose allocation levels will continue to be determined by base period usage, subject to an allocation fraction. (Under the revised provisions of § 211.103, these uses—which include industrial use; commercial use; government use; and social service agency use—will be listed under § 211.103(c).)

We believe that an allocation level of one hundred percent of base period usage will ordinarily permit the Department of Defense to secure sufficient volumes of gasoline for essential military- and readiness-oriented operations. In recognition of the vital importance of these activities to the well-being of the nation, however, we have provided under revised § 211.103(b) that an allocation level of one hundred percent of current requirements not subject to an allocation fraction will apply during any period for which the Secretary of Defense certifies to the Administrator of the ERA that such an allocation level is necessary as the result of unusual circumstances to meet the requirements for essential operations.

We also believe that allocations in accordance with base period usage will usually be sufficient to meet gasoline supply requirements for agricultural production. However, we recognize that changes in the commodities programs of the Department of Agriculture (DOA) may affect the fuel requirements for agriculture. Accordingly, we have assured the DOA that we will review the allocation level for agriculture each year and make any adjustments to that level which are appropriate in light of any changes in the DOA's commodities programs.

We recognize, that seasonal variations and other factors can also cause significant variations in the demand patterns of agricultural users. Therefore, we are adopting a new paragraph (g) § 211.103 which will provide that bulk purchasers and wholesale purchaser-consumers may require their suppliers to defer to the next month any portions of their respective allocations for the current month for use in agricultural production. Agricultural users will also be able to require their suppliers to supply during the current month any portions of their allocations for agricultural production for the next month. However, such purchasers who wish to defer or borrow portions of their allocations for periods greater than one month will continue to be subject, as are all purchasers of allocated products, to the provisions of § 211.25(c) which permits such adjustments only in those instances where the purchaser is a wholesale purchaser and the supplier agrees to such supply arrangements.

A supplier which makes a supply adjustment for an agricultural user pursuant to the new § 211.103(g) will not be permitted to certify any volumes reflected by such an adjustment to its supplier more than once. Accordingly, we are adopting a new § 211.103(e)(2) which will prohibit a supplier that is required to make such supply adjustments from modifying its certification to its supplier under § 211.12(d)(1) on the basis of those adjustments.

Today's amendments will result in modified allocation levels for many priority users. Therefore, new § 211.103(e)(2) will also require that a supplier recertify to its supplier by September 15, 1979 its requirements for any purchaser whose allocation level is thus modified. Since some purchasers which have been receiving allocations based on current requirements may not know their base period volumes, the supplier of any purchaser whose allocation level is altered pursuant to today's final rule will also be required to notify such purchaser by September 15, 1979 of the total volumes it supplied to that purchaser in each month of the base period. In this regard, it should be noted that we are also amending § 211.103(f), effective August 1, 1979, to provide that applications for resolution of disagreements between suppliers and purchasers should be made to the Office of Petroleum Operations of the appropriate ERA Regional Office.

II. Procedural Requirements

We are adopting today's amendments on an emergency basis so that they may be in effect August 1, 1979. Our decision in this regard is based on our belief that these regulatory revisions should be implemented as soon as possible to promote the conservation of scarce gasoline supplies and to insure the equitable distribution of this product among priority users.

A. Section 501 of the DOE Act

Under section 501(e) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91), we may waive the prior notice and hearing requirements of subsections (b), and (c) and (d) of section 501 upon our findings that strict compliance with these requirements is likely to cause serious harm or injury to the public health, safety or welfare. We believe such a finding can and should be made in this instance. This belief is based on our determination that the amendments adopted by today's final rule should be made effective at the earliest practicable date, August 1, 1979, for the reasons stated above.

In accordance with section 501(e) and in order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we have scheduled public hearings in Washington, D.C. and in Chicago, Illinois and will receive written comments through August 31, 1979 with respect to today's amendments. We will reconsider today's action with regard to the comments received in order to determine whether we should take any further action in this rulemaking proceeding.

B. Section 404 of the DOE Act

Section 404(a) of the DOE Act requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of functions transferred to him under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under sections 402(a)(1) or (b) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

Following an opportunity to review today's final rule, the FERC has declined to determine that it may significantly

affect one of its functions under the sections noted above.

C. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action.

Prior review by the EPA Administrator may be waived for a period of fourteen days if there is an emergency situation which necessitates that a proposed action be made effective at a date earlier than that which would permit the EPA Administrator the five working days opportunity for prior comment. Notice of any such waiver shall be given to the EPA Administrator and filed with the Federal Register with the publication of notice of proposed or final agency action and shall include an explanation of the reasons for such waiver, together with supporting data and a description of the factual situation in such detail as is determined will apprise the EPA and the public of the reasons for such waiver.

We have determined that the five working days opportunity for prior comment by the EPA Administrator should be waived. In view of the emergency nature of today's amendments, we believe such a waiver is necessary in order to permit a meaningful opportunity for public comment, while insuring that the amendments may be made effective August 1, 1979. A copy of the amendment and this preamble have been provided to the EPA.

D. Section 553 of the APA

Section 553(d) of the Administrative Procedure Act requires that a substantive rule not become effective less than thirty days after its publication unless the agency promulgating the rule finds good cause to waive this requirement and publishes this finding together with the rule. We have determined that good cause is found to waive the section 553(d) requirement for the reasons stated above in support of making today's amendments effective August 1, 1979

E. Executive Order 12044

The sixty-day advance public comment period and other procedural requirements for proposed rulemakings required pursuant to Executive Order 12044, entitled "Improving Government Regulations" (43 FR 12661, March 23, 1978) and DOE's implementing procedures, DOE Order 2030 (44 FR 1032, January 3, 1979), have been waived by the Deputy Secretary of Energy as they relate to both the final rule and the proposed rules presented in the preceding sections for the reasons previously stated for making today's amendments effective August 1, 1979.

III. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to any matters relevant to this notice. Comments should be submitted by 4:30 p.m., August 31, 1979 to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope and on the document with the docket number and the designation: "Amendments to Motor Gasoline Allocation Provisions." Ten copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearings

1. *Procedure for Requests to Make Oral Presentation.* If you have any interest in the matters discussed in this notice, or represent a group or class of persons that has an interest, you may make an oral request by 4:30 p.m., August 1, 1979. For an opportunity to make oral presentation at either the Chicago or Washington, D.C. hearing on today's amendments. You should provide a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard at a hearing, you will be so notified before 4:30 p.m., August 3, 1979, and will be required to submit one hundred copies of your statement to the appropriate hearing location before 9:30 a.m. on the day of the hearing.

2. *Conduct of the Hearings.* We reserve the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be disignated to preside at each of the hearings. These will not be judicial-type hearings. Questions may be asked only by those conducting the hearings. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at a hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at a hearing, the presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire records of the hearings, including the transcripts, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA–152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., Between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of either hearing form the reporter.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended. Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective August 1, 1979.

Issued in Washington, D.C., July 16, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Paragraph (a) of § 211.26 is revised to read as follows:

§ 211.26 Department of Defense allocations.

(a) Allocations of crude oil or any allocated product to the Department of Defense (except for requirements not related to essential military- and readiness-oriented operations) shall be supplied at an allocation level of one hundred (100) percent of current requirements without being subject to an allocation fraction, except as provided in § 211.103.

2. Section 211.103 is revised to read as follows:

§ 211.103 Allocation levels.

(a) *General.* The allocation levels listed in this section only apply to allocations made by suppliers to end-users which are bulk purchasers and to wholesale purchaser-consumers. Suppliers shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10. End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline for all uses under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* One hundred (100) percent of base period use for the following uses:

(1) Department of Defense use for essential military- and readiness-oriented operations; provided that the allocation level for such uses shall be one hundred (100) percent of current requirements during any period for which the Secretary of Defense certifies to the Administrator of ERA that such an allocation level is necessary as the result of unusual circumstances:

(2) Agricultural production;

(3) Emergency services;

(4) Energy production;

(5) Sanitation services;

(6) Telecommunications services;

(7) Passenger transportation services;

(8) Cargo, freight and mail hauling by truck;

(9) Aviation ground support vehicles and equipment.

(c) *Allocation levels subject to an allocation fraction.* One hundred (100) percent of base period use (as reduced by application of the allocation fraction) for the following uses:

(1) Industrial use;

(2) Commercial use;

(3) Governmental use; and

(4) Social service agency use.

(d) *Purchasers without an allocation level.* There shall be no allocation levels for end-users which are not bulk purchasers or for purchasers which are not otherwise described in paragraphs (b) and (c) of this section. Such end-users shall be supplier in accordance with the provisions of § 211.10(d)(2).

(e) *Base period volume.* (1) By September 15, 1979, each supplier which, during the base period, sold motor gasoline to a wholesale purchaser or end-user entitled to an allocation level which is a percentage of a base period use shall report to each of those purchasers the volume of motor gasoline which it sold to or transferred to that purchaser in each month of the base period year.

(2) By September 15, 1979, each wholesale purchaser which, during the base period year, sold motor gasoline directly to a wholesale purchaser or end-user entitled to an allocation level not subject to an allocation fraction shall certify to its supplied pursuant to the procedures of § 211.12(d)(1) its requirements for each calendar month for such end-users or wholesale-purchasers. Any increase or decrease in such certified requirements shall also be so certified to the supplier, provided that any change that results from the operation of paragraph (g) of this section shall not be certified to the supplier.

(f) *Resolution of disputes.* If a supplier and purchaser disagree over the volumes required to be supplied as a base period volume or as an adjusted base period volume, application for resolution of the dispute should be made to the Office of Petroleum Operations of the appropriate ERA Regional Office. ERA may require the production of any relevant information necessary and issue an order in accordance with the procedures of Subpart G of Part 205 or take any other action necessary to resolve the dispute. If a supplier's position is determined to be incorrect, it will be obligated to make up any volumes it should have supplied but did not.

(g) *Agricultural Supply Arrangements.* Upon request by a particular bulk purchaser or wholesale purchaser-consumer for agricultural production, a supplier shall defer the requested portion of that purchaser's allocation for the current month to the next month or supply during the current month the requested portion of that purchaser's allocation for the next month.

[FR Doc. 79-22260 Filed 7-18-79; 4:05 pm]

BILLING CODE 6450-01-M

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10 CFR Part 211

[Docket No. ERA-R-79-23-B]

Motor Gasoline Allocation Base Period and Adjustments

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule and Request for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a final rule that will be effective on September 1, 1979, and provides as follows:

1. The rule permanently establishes the November 1977 through October 1978 period as the base period year.

2. For the present, the rule continues the unusual growth adjustment that was adopted on May 1, 1979. However, suppliers may require mid-level marketers seeking adjusted volumes to submit sworn certifications.

3. The rule requires wholesale purchaser-resellers to adjust downward their base period uses when they lose service station customers. The adjustment will correspond to the decrease in their supply obligations when retail sales outlets they served during the base period go out of business or otherwise reduce or terminate their allocation entitlements from them. To receive upward adjustments for unusual growth or for new outlets supplied pending an assignment order, wholesale purchaser-resellers will first be required to make the required downward certifications.

4. The rule provides that volumes purchased and sold during the base period year pursuant to orders issued under the state set-aside program will not create supply obligations or allocation entitlements.

5. The rule generally continues the other provisions of the May 1, 1979 interim final rule.

DATES: Effective date: September 1, 1979. Further written comments by September 20, 1979.

ADDRESSES: Written comments to: Office of Hearings Management,

Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-23 Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert G. Gillette (Comment Procedures), Economic Regulatory Administration, 2000 M Street, N.W., Room 2214B, Washington, D.C. 20461, (202) 254-5201.
William Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 634-2170.
William Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, N.W., Room 2304, Washington, D.C. 20461, (202) 254-8034.
Alan Lockard (Office of Fuels Regulation), Economic Regulatory Administration, 2000 M Street, N.W., Room 6222, Washington, D.C. 20461, (202) 254-7422.
Joel M. Yudson (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 6A-127, Washington, D.C. 20585, (202) 252-6744.

SUPPLEMENTAL INFORMATION:

I. Background

II. Comments Received

A. Identification of Appropriate Base Period
B. Unusual Growth Adjustment
1. Refiner Concerns
2. Regional Interests
C. Downward Certification
D. Allocation of Unleaded Gasoline
E. Two Percent Flexibility Proposal
F. Redirection Authority

III. Amendments Adopted

A. Establishment of Base Period
B. Unusual Growth Provision
C. Downward Certification
D. Unleaded Gasoline Allocation
E. Two Percent Adjustment Flexibility
F. Other Matters

I. Background

On May 1, 1979, the ERA issued an interim final rule and notice of proposed rulemaking (44 FR 26712, May 4, 1979) on motor gasoline allocations that was to be effective until September 30, 1979. The interim final rule followed a series of regulatory actions by ERA that effective March 1, 1979, updated the motor gasoline allocation base period. (See the May 1 notice for details of the earlier actions.) After receiving public comment on the earlier actions, we established the November 1977 through October 1978 period as the base period year and adopted an unusual growth provision effective May 1, 1979. The growth provision generally permitted retailers and bulk purchasers automatically to adjust upward their base period uses for a current month if their average monthly purchases in the October 1978 through February 1979 period were at least ten percent higher than their actual purchases during the corresponding month of the base period.

A public conference on the growth provision was held on May 8, 1979 and public hearings on the entire interim rule were held on June 7, 1979 in Washington, D.C. and on June 19, 1979 in San Francisco, California. Written comments were originally scheduled to be received until July 10, 1979, but the comment period was later shortened to July 5, 1979 (see 44 FR 38435, June 29, 1979).

On July 6, 1979, ERA issued a Notice of Intent to Issue a Final Rule (44 FR 40621, July 11, 1979) in which we announced our intention to issue a final rule establishing the period November 1977 through October 1978 as the base period year for motor gasoline allocations.

This final rule is part of a number of actions being taken by ERA to revise its motor gasoline allocation and pricing regulations to make them more workable during the current shortage period. We are concurrently issuing a rule which will change the size of allocations to certain new gasoline retail sales outlets by limiting assigned volumes to either the sales volume for outlets of the same nature in the market area or a volume approximating the average sales volume for all retail outlets nationally during the base period year, whichever is less. That rule will apply to all new outlets for which an investment in the capital costs of the outlet (excluding real estate) by July 6, 1979 had not exceeded 25 percent of total capital costs.

Also we are issuing a rule that will change the allocation levels for priority users of motor gasoline, including agricultural and Department of Defense users, from a current requirement basis to one hundred (100) percent of their base period use not subject to an allocation fraction.

II. Comments Received

In addition to the oral comment received at the public conference and hearings, sixty-two (62) formal written comments were received by the July 5 closing date together with many letters and other communications regarding these matters. Comments were received from representatives of major integrated and independent refiners, mid-level marketers, gasoline retailers, trade associations, state and local governments and other individuals.

A widespread concern expressed by commenters related to the continual modification in regulations defining the base period year and methods for administration of the allocation program. It was strongly felt that, whatever final decision was reached, the rule should be kept in effect for a period of time sufficient to permit stability for planning and administration.

A. Identification of Appropriate Base Period

Two issues regarding the choice of an appropriate base period were identified in the comments. One involved the actual time frame of the base period, and the other concerned the structure of the base period—fixed or "rolling". Generally, the commenters preferred the use of a reasonably current time frame, with a greater number preferring the designated November 1977 to October 1978 period than the calendar year 1978. A few favored the old 1972 base year or the option of choosing between the higher of the 1972 or current base. Those favoring the current base period year stated that the current base reflects a reasonably normal period of adequate supply and that further changes would have disruptive effects and cause administrative burdens. Those supporting calendar year 1978 felt it was easier to administer. For those who favored preserving the 1972 base in some form, mostly non-refiners, the primary reason was that it would yield higher allocations for them. A few commenters expressly favored a "rolling" base period, and a few opposed it.

B. Unusual Growth Adjustment

The unusual growth provision was the subject of many diverse comments.

1. *Refiner Concerns.* Refiners generally took the position that the provision further complicated an already confusing situation and recommended the deletion of the growth provision. They stated that the provision created too much uncertainty to permit proper advance planning. If supply obligations cannot be predicted precisely, allocation fractions cannot be set accurately. If the provision were to be retained, they counseled against sudden changes. Some commenters stated that attempts to modify the provision, so as to eliminate seasonal variations, could generate more confusion and additional opportunity for marketer manipulation.

A prevalent theme among the refiners commenting was that the new allocation rules, including the unusual growth provision, afforded great potential for abuse and that such abuse was occurrring. It was stated that jobbers and other distributors had incentive to certify adjustments to their suppliers for

increased priority uses, for base period volumes supplied on an interim basis to "new" stations (which really were not new at all) and for unusual growth of existing customers that could properly be met out of existing allocations. The refiners asserted that the regulations provided no means for verifying the volumes certified to them.

In addition, some refiners stated that they needed further information to ensure that a request was valid. One commenter suggested that confusion could be alleviated if ERA developed a certification form requiring sworn data. However, the opposing view was expressed by marketers that suppliers were requesting additional data in an effort to circumvent their obligations to supply additional product.

Refiners also stated that the unusual growth provision should not apply to wholesale purchaser-consumers and bulk purchasers or that such categories of customer only be included if the ultimate supplier of the product consents. This recommendation was based on the assertion that these types of consumers typically did not purchase in every month and that the averaging and comparisons required by the adjustment provision are distorted by irregular purchasing patterns.

2. *Regional Interests.* Another distinct set of comments related to the growth adjustment provision came from representatives of particular geographical areas or firms needing adjustments. These commenters generally asserted that a provision is necessary to account for growth, but that the particular method chosen was unfair to them.

Commenters stated that the October 1978 through February 1979 averaging period was not representative of actual gasoline demand in that it favors areas in which winter gasoline demand is high as compared to summer demand. State representatives asserted that the provision penalizes parts of the country that made efforts to conserve gasoline and that the allocation program should take conservation into account. Certain states, such as New York, asserted that each state must receive equal treatment under the allocation program. New York recommended that ERA regulations reflect "energy efficient" usage of gasoline and equalize the adverse economic impact of shortages in each state. It stated that to do otherwise would ignore the directives of Congress in the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159, EPAA) that gasoline should be allocated equitably.

C. Downward Certification

Refiners expressed a strong belief that although the regulations provided a means for marketers to increase their allocations of gasoline for new and increased customer requirements, there was no corresponding downward adjustment when retail outlets closed and customer requirements decrease. A number of commenters recommended that a downward adjustment and certification provision be adopted. Such a provision, it was asserted, would reduce most of the current abuse and would assure that upward adjustments would be limited to net increases in allocation requirements. One refiner suggested that when branded marketers use the provisions of § 211.105(d) to switch base period suppliers, the relinquishing supplier be required to adjust its base period use to reflect its decreased supply obligations.

On the other hand, marketers opposed the adoption of a downward adjustment provision, because it would diminish their ability to serve the changing needs of their service areas. When stations close, they asserted, the volumes which had been allocated to the closed station should presumptively belong and be used to serve the people of the same market area and should not be put back into the supplier's national pool. They stated that the volumes would not automatically go to existing neighboring outlets because the regulations would not necessarily permit such adjustments to increase retailers' allocations.

D. Allocation of Unleaded Gasoline

In the May 1 notice, we requested comments on the allocation of unleaded gasoline. Many commenters addressing this issue stated that the current DOE regulations governing the allocation of unleaded gasoline should not be changed. It was asserted that the current regulations promote equitable distribution of unleaded gasoline by refiners and that additional regulations in this area would create new burdens without a commensurate benefit. One refiner recommended that unleaded gasoline be allocated on the basis of historical need for unleaded gasoline, together with a periodic updating of the historical base. One auto manufacturer recommended the separate allocation of unleaded gasoline.

A number of commenters addressed the Environmental Protection Agency (EPA) regulation that requires retailers of gasoline to offer for sale both leaded and unleaded gasoline if they wish to sell leaded gasoline. Commenters expressed concern that in times of shortage of unleaded gasoline, enforcement of the EPA regulation would unnecessarily restrict the availability of leaded gasoline and exacerbate the problem of gasoline lines by causing retail outlets to close.

E. Two Percent Flexibility Proposal

In the May 1 notice we solicited comments on a proposal which would allow suppliers to make base period use adjustments without ERA approval to account for growth or changed circumstances which occurs subsequent to March 1, 1979. The proposal enumerated certain criteria to identify the retail outlets for which the adjustments would have been permitted. The proposal would not have permitted a supplier to reduce its allocation fraction by more than two percent. Predictably, most refiners commenting supported the proposal. However, independent marketers stated that by permitting refiners to select the stations to receive adjustments, the rule would allow refiners to discriminate in favor of company-owned stations or other preferred customers. One refiner admitted that the rule would be impossible to administer in an even-handed manner and another stated that the two percent limit would cause refiners to discriminate if the adjustments requested exceeded two percent.

F. Redirection Authority

One group of independent marketers stated that it is essential that the redirection authority under § 211.107(c) be maintained even if it is not always possible to assure that recipients of product will receive as high as 75 percent of their base period use (the amount by which redirections are limited under § 211.107 (c)). They stated that at least 70 percent always should be provided. One refiner that had been ordered to supply gasoline under that section objected to the procedures under which orders had been issued to it and the need for the section.

III. Amendments Adopted

A. Establishment of Base Period

We have determined to establish permanently the period November 1977 through October 1978 as the base period year for motor gasoline allocations. This period generally reflects a recent period of relatively normal market conditions and was supported by most of the comments received. The last two months of 1978 were not selected as base period months because they reflect

abnormal sales and distribution patterns that were beginning to be experienced.

We have decided not to adopt the proposal made by some commenters in the rulemaking that purchasers be allowed to choose between their 1972 adjusted or November 1977-October 1978 base period volumes, whichever is larger. Such an adjustment would have the effect of reducing allocation fractions of all suppliers and reducing total available supplies to the substantial number of marketers of gasoline who have increased their sales volumes since 1972. The effect of such a rule in general would be to shift gasoline supplies away from geographical regions that have experienced substantial growth and to areas that have not experienced such growth, thus exacerbating the present shortages in high growth areas.

The updating of the base period creates mandatory supplier-purchaser relationships for all actual sales which occurred during the base period. The change was made to reflect market realities during the new base period. Thus, sales of "surplus" product under 10 CFR 211.10(g) or sales made by "substitute" suppliers under 10 CFR 211.25(a) are not excepted. In the new § 211.105(f) we have made one explicit exception relating to transactions under the state set-aside program. Volumes purchased and sold during the base period year pursuant to orders issued under the state set-aside program took place to meet emergency requirements at that time. It is not appropriate that such transactions be the basis for permanent rights and obligations. Wholesale purchaser-consumers and bulk purchasers that received set-aside volumes during the base period year may apply to the appropriate ERA Regional Office for the assignment of a base period supplier for equivalent volumes.

B. Unusual Growth Provision

For the present, we have determined that the unusual growth provision of § 211.104 should be continued beyond September 30, 1979 in substantially the same form as it was issued on May 1. We have modified the language of the provision to make clear that where a purchaser taking advantage of the growth adjustment has multiple suppliers, each base period supplier will continue to have a supply obligation (prior to the application of the allocation fraction) at least equal to the actual volumes that it supplied during the corresponding base period month. A detailed description of the operation of the provision is contained in the May 1 notice.

1. *Alleged Regional Disparities.* We have analyzed data for each state comparing gasoline deliveries during the five-month averaging period to deliveries during the base period month. We also examined data for each state comparing deliveries during the five-month averaging period, and deliveries during the 12 months which they conclude, with the same 5-month and 12-month periods a year earlier. In addition we examined, to the extent available, actual gasoline deliveries during May 1979, the first month of operation of the growth provision. Based on the information received to date, we are unable to conclude that the rule unfairly discriminates on a regional basis or that adjustments for particular areas unduly reflect seasonality rather than actual growth.

We will contine to evaluate additional data as received and will amend the growth provision if changes are necessary. Further comments in this regard are requested. In particular, we wish to receive comments to determine whether we should reduce the size of each adjustment by a uniform percentage to reflect an average increase in demand experienced nationwide between each base period month and the averaging period.

As it is presently structured, the growth adjustment provision fits within the framework of ERA's allocation program which attempts to preserve historical distribution patterns. Under the present system, while some discrepancies may exist when gasoline supplies in the different regions are compared, these discrepancies have generally tended to be minor. In individual circumstances where severe distortions or inequities appear, DOE has taken and will continue to take action to correct them.

The regulations already contain several provisions for minimizing significant supply disparities. Under § 211.107(c) as adopted today, the ERA Regional Offices (pursuant to the procedures of Subpart C of Part 205 rather than Subpart G as set forth in the interim rule) may redirect product to firms unable to obtain adequate volumes of product to enable a purchaser to obtain up to 75 percent of its base period volume for the month. In addition, pursuant to 10 CFR 211.14(a) ERA may order a transfer or redirection of gasoline to correct a supply imbalance among various areas. The DOE will not, however, order an intrastate transfer of gasoline unless it has received a recommendation from the state energy office. Further, section 211.14(a) provides that DOE may order suppliers to use different allocation fractions in different regions.

Pursuant to 10 CFR 211.14(b), refiners and importers are authorized to reduce, without prior approval from DOE, the allocation to one region or area of the country by up to five percent in order to meet the needs of other regions facing significant shortages. Additionally, Ruling 1979–2 recently clarified that this provision also allows the shifting of product *within* a state to meet shortages and that, for purposes of such intra-state shifting, companies may rely on the state governor's designation of various areas as "shortage" areas within the state. The state set-aside program also permits a state to shift up to five percent of its gasoline to such areas.

Finally, pursuant to 10 CFR Part 205 Subpart D, DOE's Office of Hearings and Appeals is authorized to grant exception relief from the operation of the allocation regulations in order to alleviate serious hardship or gross inequity. All of these regulations act to insure that gasoline allocation will be equitable.

2. *Verification of Adjustments.* In response to the widespread concern over the validity and accuracy of certifications under the growth adjustment provision, we have amended the certification procedure for wholesale purchaser-resellers to clarify that such certifications are made under § 211.13(c). Additionally, if requested by its base period supplier, each wholesale purchaser-reseller's certification for periods after September 1, 1979 will contain a sworn statement that the information contained therein is true. Moreover, if requested by its base period supplier, the wholesale purchaser-reseller must also include the following information as part of the certification: (1) The proportion of motor gasoline that the supplier purchased from the base period supplier during the base period month corresponding to the month for which the certification is made and (2) a statement that the supplier has made all required downward certifications under the new rule. A similar provision is included with respect to certifications for new retail sales outlets being supplied pending an ERA assignment.[1]

[1] We wish to emphasize that retail sales outlets that have base period suppliers are not "new" outlets and the obligation to supply such outlets may not, without ERA approval, be assumed by a supplier other than a base period supplier (unless it qualifies under § 211.104(d) relating to branded retail outlets). Additionally, we wish to clarify that § 211.104(d) is intended to apply both to the situation where a branded independent marketer

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We solicit your comments as to whether the base period supplier should also be able to require the reseller's certification to include the requested volume for and identity of each retail outlet and other customer for which it seeks an adjustment. Furthermore, should we require that every mid-level marketer certification be sworn before the wholesale purchaser-reseller could receive an adjustment?

3. *Resolution of Disputes.* If disputes persist over the amount to be supplied, the final rule provides that the appropriate ERA Regional Office of Petroleum Operations may resolve the dispute by issuing an order or taking any other necessary action. In order for the ERA to resolve disputes over the size of unusual growth adjustments or the eligibility for adjustments to meet temporary exigent circumstances, adequate data will have to be provided. When a firm that is a retail sales outlet, wholesale purchaser-consumer or bulk purchaser believes that it should be receiving additional adjusted volumes, we recommend that it submit to the ERA Regional Office an application containing the following:

a. The name, address, and telephone number of the supplier in question.

b. The alleged base period volume of motor gasoline which the supplier should be supplying to the purchaser.

c. Supporting documentation (in the form of invoices, etc.) to confirm the applicant's claim.

d. The names, addresses, and telephone numbers of all the applicant's suppliers during the base period of November 1977 through October 1978 and the period October 1978 through February 1979 (if an unusual growth adjustment is claimed) or November 1976 through October 1977 (if a temporary exigent circumstance adjustment is claimed). There should be included the volume of motor gasoline purchased from each supplier in each of the months during these periods and a copy of invoices, delivery tickets or other supporting documentation which verifies those volumes of product.

e. If a temporary exigent circumstance adjustment is claimed, a description of the nature and duration of the temporary exigent circumstance.

f. A certified statement that the applicant has provided its supplier[s] with a copy of its application. Information asserted by the applicant to be confidential may be deleted from the copy served upon its supplier.

When the dispute is between a mid-level marketer and its supplier, ERA will need the above data for each of the marketer's customers whose adjustment is disputed. In addition the marketer should provide ERA with its monthly purchases of motor gasoline from each of its suppliers, and the identity of each supplier, during the months of the period November 1977 through October 1978. This latter information will enable ERA to determine that the marketer's certification to its supplier is for the proportion of product supplied by the supplier during the base period as provided in § 211.13(c).

C. Downward Certification

As noted, we have decided to adopt a downward adjustment and certification procedure to be effective September 1, 1979. To the degree that a marketer used product it obtained for a closed station to supply additional product to other retail outlets, the marketer will be required to downward adjust its base period volume. As a result of upward and downward adjustments, it will receive only its net increased requirements. However, if the market area really has a need for the volumes it could lose by the operation of this provision, administrative relief could be granted. For instance, existing stations may qualify for exception relief or a new station could open and receive an allocation to serve that need.

The provision provides that a wholesale purchaser-reseller will downward adjust its motor gasoline base period use by the amount its supply obligations decrease when a retail sales outlet that it supplies goes out of business or otherwise terminates or reduces its allocation entitlement from that wholesale purchaser reseller. The wholesale purchaser-reseller shall immediately certify the downward adjustment to its base period suppliers on a pro-rata basis in proportion to that part of its base period use received from each supplier in the base period month. Each supplier that receives a certification shall decrease its supply obligation to the wholesale purchaser-reseller by that amount, shall downward adjust its own base period use by that amount and shall certify the adjustment to its base period suppliers.

D. Unleaded Gasoline Allocation

We have determined not to adopt at this time any new regulations that pertain to the allocation of unleaded gasoline. There is no need to change these regulations because it appears that unleaded gasoline is currently being distributed equitably.

E. Two Percent Adjustment Flexibility

We have also determined not to adopt the proposal that would allow suppliers to adjust without ERA approval the base period uses of retail outlets that have grown or opened since March 1, 1979. New stations can already receive allocations and be supplied on an interim basis pending ERA approval under § 211.105. Furthermore, we recognize that suppliers may have difficulty acting in a fair and even-handed manner in these situations. We therefore are concerned about the possible occurrence of unfair discrimination. Additionally, during this time of shortage we do not wish to permit suppliers to decrease their allocation fractions, further limiting supplies to retail outlets not receiving adjustments, unless it is absolutely necessary.

F. Other Matters

The other provisions of the interim final rule are also being adopted on a permanent basis, effective September 1, 1979. Notifications already made under §§ 211.103(e)(1) and 211.104(f) will not have to be made again.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385 and Pub. L. 95–70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective September 1, 1979.

Issued in Washington, D.C., July 15, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Paragraph (c) of § 211.13 is amended by revising paragraph (c)(1) to read as follows:

§ 211.13 Adjustments to base period volume.

* * * * *

(c) *Adjustments to a wholesale purchaser-reseller's base period use for new and increased allocation entitlements of purchasers.* (1) A wholesale purchaser-reseller shall be entitled to receive an adjustment to its base period use whenever (i) it is notified pursuant to § 205.36(d) of an

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was supplied on February 28, 1979 by a firm different from its base period supplier and to the situation where its February 28, 1979 supplier was only one of a number of base period suppliers.

assignment to supply a new wholesale purchaser; or (ii) it is notified of an adjustment granted pursuant to § 211.12(h), § 211.13(e), § 211.104, § 211.105, § 211.125(b) or § 211.145(b) to the base period use of a wholesale purchaser entitled to receive an allocation from that wholesale purchaser-reseller, in an amount equal to the increases in the allocation entitlements or new allocation entitlements which the wholesale purchaser-reseller is to supply.

* * * * *

2. Paragraph (a) of § 211.101 is revised to read as follows:

§ 211.101 Scope.

(a) This subpart applies to the mandatory allocation of all motor gasoline produced in or imported into the United States. Unless otherwise specified in, or inconsistent with, this subpart, the provisions of §§ 211.9–211.13 of this part apply to this subpart. Where inconsistent with the provisions of Subpart A of this part, the provisions of this subpart shall prevail.

* * * * *

3. Section 211.102 is amended by revising the definition of "base period" to read as follows:

§ 211.102 Definitions.

For purposes of this subpart—

"Base period" means the month of the period November 1977 through October 1978 corresponding to the current month.

* * * * *

4. Section 211.103 is amended by revising paragraph (e)(1) and revising paragraph (f) to read as follows:

§ 211.103 Allocation levels.

* * * * *

(e) *Base period volume.* By September 15, 1979, each supplier which, during the base period, sold motor gasoline to a wholesale purchaser or end-user entitled to an allocation level which is a percentage of a base period use shall report to each of those purchasers, the volume of motor gasoline which it sold to or transferred to that purchaser in each month of the base period year.

* * * * *

(f) *Resolution of disputes.* If a supplier and purchaser disagree over the volumes required to be supplied as a base period volume or as an adjusted base period volume, application for resolution of the dispute should be made to the Office of Petroleum Operations of the appropriate ERA Regional Office. ERA may require the production of any relevant information and issue an order under the procedures of Subpart G of Part of 205 or take any other action necessary to resolve the dispute. If a supplier's position is determined to be incorrect, it will be obligated to make up any volumes it should have supplied but did not.

* * * * *

5. Section 211.104 is revised to read as follows:

§ 211.104 Unusual growth adjustment.

(a)(1) Beginning in May 1979, if a retail sales outlet, wholesale purchaser-consumer or a bulk purchaser of motor gasoline with an allocation level determined by reference to a base period use, or its predecessor whose allocation it received, purchased gasoline during at least three of the months during the period October 1978 through February 1979 and the monthly average volume of such purchases from all suppliers in the months it purchased gasoline was at least ten percent greater than the aggregate amount of its actual motor gasoline purchases in a base period month from all suppliers, it can substitute as its base period use for the current month corresponding to that base period month its average monthly purchases in those months of the October 1978 through February 1979 period that it purchased motor gasoline. The purchaser's base period suppliers will be required to supply the adjusted volumes as determined in paragraph (b) of this section.

(2) For the month of April 1979, if the average monthly gasoline purchases by a retail sales outlet, wholesale purchaser-consumer or bulk purchaser in the months its purchased motor gasoline in the period October 1978 through February 1979 were at least thirty-five percent higher than its total April 1978 purchases from all suppliers, its October 1978 through February 1979 average monthly purchases of motor gasoline in the months it purchased motor gasoline may be substituted for its April 1978 purchases as its base period use.

(b) The portion of the adjusted base period use that each base period supplier is required to supply shall be derived on the following basis: Where a purchaser has multiple suppliers, each base period supplier will continue to have a supply obligation (prior to the application of the allocation fraction) at least equal to the actual volumes it supplied during the corresponding base period month. If the amount of the adjustment, i.e., the average monthly volumes supplied during the October 1978 through February 1979 period in excess of actual base period purchases, is attributable to particular base period suppliers, then each such supplier will be responsible for the portion of the adjustment it supplied. If a portion of the adjustment is not attributable to a particular base period supplier, then that portion of the adjustment will be supplied by all the base period suppliers based on the proportional share of gasoline the firm purchased from each supplier in the base period month.

(c) A supplier shall make the adjustment under paragraph (a) of this section without a request by a wholesale purchaser or bulk purchaser to the extent that the supplier's records indicate that the purchaser is eligible for the adjustment. However, if a purchaser's average monthly purchases in the October 1978 through February 1979 period are not ten percent greater than its aggregate purchases in the base period month, no base period supplier is required to supply it additional volumes as an adjustment under this section even though the particular supplier may have provided greater than ten percent more product in the October 1978 through February 1979 period than in the corresponding base period month.

(d) Each firm desiring to receive an adjustment for volumes not attributable to particular base period suppliers shall notify each base period supplier of the additional amount of the adjustment to be added to its base period use. For purposes of the notification, a purchaser will certify to its supplier (1) its aggregate purchases in a base period month; (2) its average monthly purchases during the October 1978 through February 1979 period; (3) the portion of the growth adjustment attributable to the particular supplier; and (4) the amount of the unattributable portion of the adjustment required to be supplies by the supplier. A purchaser is not required to disclose to one supplier the specific volumes supplied by any other supplier.

(e) An adjustment to a purchaser's base period use for a particular month determined under this section will automatically become part of the supplier's supply obligations and that supplier in turn may adjust upward its base period use and under the procedures of § 211.13(c) may certify the adjustment upward to its base period suppliers. If requested by its base period supplier, the supplier's certification must contain a sworn statement that the information contained therein is true. If requested by its base period supplier, the supplier must also furnish the following information as part of the certification: (1) The proportion of motor gasoline that the supplier purchased from the base period supplier in the

corresponding base period months and (2) a statement that the supplier has made all required certifications of downward adjustments under § 211.107(d).

(f) By September 15, 1979, each motor gasoline supplier shall report to each of its base period purchasers described in paragraph (a) of this section the monthly average gasoline purchases which it supplied during the October 1978 through February 1979 period that were at least ten percent higher than the volumes it supplied during any base period month.

6. Section 211.105 is amended to read as follows:

§ 211.105 Supplier/purchaser relationships.

(a) *New wholesale purchasers.* (1) Where a firm made no purchases from any supplier during a base period month, a supplier and the purchaser shall attempt to agree mutually to a base-period use. That agreed-upon volume does not become formally effective until an ERA regional office, upon application, issues an assignment order. In the interim, pending an assignment order, the supplier may supply agreed-upon volumes, provided application for an assignment has been filed. If those volumes exceed volumes which are later assigned, the difference must be deducted from base period volumes in future months.

(2)(i) If the purchaser purchased motor gasoline during at least three months of the October 1978 through February 1979 period, and the monthly average of those purchases reflect an appropriate base period volume, ERA will assign a base-period use which equals those average monthly purchases.

(ii) As to a new retail outlet which does not qualify for a determination of a base period use under paragraph (2)(i) above, an assignment of a base period use will be made by the ERA Regional Office under the "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Sales Outlets". However, as to a retail outlet for which by July 6, 1979 the investment in the capital costs of the outlet (excluding the cost of land) did not exceed 25 percent of total capital costs, ERA will not, through October 31, 1979, assign a base period use in excess of 50,000 gallons per month.

(3)(i) If a wholesale purchaser-reseller has accepted and is supplying proposed base period volumes to a purchaser that does not have base period volumes for a base period month; and (ii) the purchaser or supplier (on behalf of the purchaser) has applied to ERA for an assignment for those months; then the wholesale purchaser-reseller may, on an interim basis, include such volumes in its base-period use as a temporary adjustment and may upward certify such volumes to its supplier in accordance with the provisions of § 211.13(c). If requested by its base period supplier, the wholesale purchaser-reseller's certification must contain a sworn statement that the information contained therein is true. If requested by its base period supplier, the wholesale purchaser-reseller must also include the following information in the certification: (A) The proportion of motor gasoline that the wholesale purchaser-reseller purchased from its base period supplier in the corresponding base period months and (B) a statement that the wholesale purchaser-reseller has made all required certifications of downward adjustments under § 211.107(d). The wholesale purchaser-reseller's supplier shall include the volumes certified as part of its base-period supply obligations in the interim pending an ERA assignment.

(b) *Supplier responsibility for assignments made after November 1, 1977.* This paragraph applies to firms which had no previous base period supplier and received an assignment of a base period volume and supplier from ERA after the beginning of the base period (that is, after November 1, 1977).

(1) If such a firm is eligible for a growth adjustment under § 211.104, i.e., it has a monthly average volume in the October 1978 through February 1979 period which is at least 10 percent greater than the firm's actual purchases in a base period month (as determined under § 211.104(a)), then the firm's base period suppliers will be determined as follows:

(i) The assigned supplier must supply the assigned or adjusted base period volumes, whichever is higher, for (A) the base period months between November 1, 1977 and the assignment's effective date and (B) the base period months between the effective date of the assignment and October 31, 1978 in which the firm made no purchases, and

(ii) The firm's actual suppliers must supply the adjusted base period volumes for the base period months between the assignment's effective date and October 31, 1978 in which there were purchases.

The portion of the adjustment each supplier must supply shall be derived on the basis described in § 211.104(b).

(2) If such a firm is not eligible to receive an automatic adjustment in a month under § 211.104 (because either its October 1978 through February 1979 average monthly purchases were not at least ten (10) percent higher than its average monthly purchases during the base period month or it purchased motor gasoline in fewer than three months of the October 1978 through February 1979 period), then actual purchases and suppliers during the base period month will determine base period volumes and suppliers.

(3) Assignments made under Activation Order No. 1 and the Guidelines thereto will remain valid, but ERA may, upon application, make an upward adjustment to a firm's base period use based upon the assignment procedures set forth in paragraph (a) of this section.

(c) *Reassignments.* This paragraph applies to purchasers to whom assignment orders were issued during or after the base period which terminated one supply obligation and established another (i.e., reassignments, including three-party agreements).

(1) For the current months corresponding to base period months prior to the effective date of the assignment order, the newly assigned supplier will be the base-period supplier. Its supply obligation as a result of the reassignment will equal the volumes reassigned, or the actual purchases during the corresponding month of the base period from the supplier whose obligations were terminated, whichever is less. If actual base-period purchases from the supplier whose obligations were terminated exceed the volumes reassigned, the original base period supplier shall be the base-period supplier for the difference. Any other actual suppliers, whether they supplied before or after effectiveness of the assignment order, shall also be base period suppliers for the actual volumes supplied. The newly assigned base period supplier shall also be responsible to supply unattributable adjusted base period volumes determined under § 211.104 which would otherwise be the responsibility of the supplier whose obligations were terminated. The newly-assigned supplier, if it is willing, may, if an application is made to the ERA regional office for an assignment, supply on an interim basis the difference between the assigned volumes and the actual purchases from the supplier whose obligations were terminated for the portion of the base period prior to effectiveness of the assignment, pending ERA action on the assignment application, and may upward certify such volumes to its supplier which will include such volumes as part of its supply obligations pending ERA action.

(2) For those base-period months after the reassignment order was issued, actual purchases and actual suppliers will determine base-period volumes and supply obligations.

(d) *Branded resellers.* (1) Any wholesale purchaser-reseller of motor gasoline which is a branded independent marketer and which has a base period supplier different from the firm that was its supplier of February 28, 1979 under whose brand it was selling on that date, may, at its option, designate as its base period supplier that supplier which was its supplier of February 28, 1979 and terminate its supplier/purchaser relationship with all its other base period suppliers. If a designation is so made, the firm that supplied the purchaser on February 28, 1979 will become the purchaser's sole base-period supplier and will supply the purchaser's base period volumes as part of its supply obligations. It may certify upward such volumes to its supplier, which in turn will include volumes certified as part of its supply obligations.

(2) A wholesale purchaser-reseller which designates a firm as its sole base period supplier pursuant to this section shall provide, by June 15, 1979, written notice of the designation and the corresponding terminations to any suppliers which supplied the wholesale purchaser-reseller during the base period. Such wholesale purchaser-reseller shall also provide written notice by the same date to the designated supplier of the amount of the wholesale purchaser-reseller's base period use which has been supplied by other suppliers during the base period and which is to be supplied by the designated supplier. The notice to the designated supplier shall include the names and addresses of the actual suppliers during the base period and of the wholesale purchaser-reseller and the location of any facility, including and retail sales outlet concerned.

(3) The relinquishing base period suppliers, i.e., the suppliers that no longer have the obligation to supply the branded independent marketer, will downward adjust their base period use to the same degree that their supply obligations decrease and will make the required certifications under § 211.107(d).

(e) *Temporary exigent circumstance adjustment.* (1) If a retail sales outlet has experienced a temporary exigent circumstance for a month during the base period year causing at least a ten percent reduction in its normal purchases for that month, its base-period volume may be revised to equal those volumes purchased in the corresponding month in the period November 1976 through October 1977. Its base-period supplier for the previous period's volumes will be the supplier from whom the purchases were reduced because of the exigency. The purchaser shall notify the supplier, who shall supply the additional volumes. No assignment by the ERA Regional Office is required. For any month, if it is eligible, a retail sales outlet may, at its option, receive base period volumes determined under the adjustment provision of § 211.104 or the procedures of this paragraph but not both. The upward certification provision of § 211.13(c) applies to adjustments made under this paragraph.

(2) If the supplier is a major refiner subject to the jurisdiction of DOE's Office of Special Counsel, then notification of the temporary exigent circumstance and the use of corresponding months of the November 1976 through October 1977 period should be provided by the refiner to the DOE audit team assigned to that refiner. Notification should be provided by the refiner as soon as practicable after it is informed by its purchaser.

(3) "Temporary exigent circumstances" includes, but is not limited to,

(i) Facility shutdowns, including either the purchaser's facility or the supplier's facility;

(ii) Limited access to facility;

(iii) Supplier's inability to deliver (a supplier's declaration of an allocation fraction less than one (1.0) will not, by itself, be an adequate demonstration of a supplier's inability to deliver);

(iv) Reduced capability of purchaser to function as normal business, including financial difficulties impacting volume, but does not include an unwillingness of purchaser to purchase because of a lawful price.

(f) *Base period set-aside transactions.* Volumes purchased and sold during the base period year pursuant to orders issued under the State set-aside program will not create mandatory supplier-purchaser relationships under § 211.9. Wholesale purchaser-consumers and bulk purchasers that received such volumes may apply to the ERA Regional Office to be assigned a base period supplier for equivalent volumes of product.

7. Section 211.107 is amended by revising paragraph (c) and adding a new paragraph (d) to read as follows:

§ 211.107 Method of allocation.

* * * * *

(c) Pursuant to the procedures of Subpart C of Part 205, if sufficient supplies of gasoline are available to mitigate the adverse impact on firms unable to obtain adequate volumes of product, ERA may redirect product or take other appropriate action to enable a purchaser to obtain in any month up to 75 percent of its base-period volume for that month.

(d) A wholesale purchaser-reseller will downward adjust its motor gasoline base period use by the amount that its supply obligations decrease when a retail sales outlet that it supplies goes out of business or otherwise terminates or reduces its allocation entitlement from that wholesale purchaser-reseller. The wholesale purchaser-reseller shall immediately certify the downward adjustment to its base period suppliers on a pro-rata basis in proportion to that part of its base period use received from each supplier in the corresponding base period month. Each supplier that receives a certification shall decrease its supply obligation to the wholesale purchaser-reseller by that amount, shall downward adjust its own base period use by that amount and shall certify the adjustment to its base period suppliers.

[FR Doc. 79-22281 Filed 7-16-79; 4:05 pm]

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federal register

Thursday
July 19, 1979

Part VI

Interstate Commerce Commission

Informal Rulemaking Procedures; Semiannual Agenda of Significant Proceedings Pending; Improving Commission Regulations

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1103

[Ex Parte No. 350 (Sub-No. 1)]

Informal Rulemaking Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: This notice contains final rules governing rulemaking proceedings which the Commission conducts in accordance with section 553 of the Administrative Procedure Act. Public comments on the rules originally proposed in this proceeding are discussed and changes in the proposed rules are identified. The rules are intended to familiarize the public with the Commission's processes and to facilitate public participation in its rulemaking proceedings.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: James S. Todd (202)275–7427.

SUPPLEMENTARY INFORMATION: The Commission is adopting rules governing those rulemaking proceedings which it conducts in accordance with section 553 of the Administrative Procedure Act (Title 5, U.S.C. 553). The rules, which are largely self-explanatory, set forth the steps involved in a rulemaking proceeding and state the ways in which interested persons may participate, including filing a petition for the opening of a rulemaking proceeding, commenting on rulemaking proposals, and petitioning for reconsideration of the Commission's final action in a proceeding. These procedures have, for the most part, been followed routinely by the Commission for some time; however, they have never been incorporated in the Code of Federal Regulations. The purpose of codifying the procedures is to insure that the public is fully aware of the processes whereby the Commission adopts regulations. These rules take the place of present Rule 42 of the Commission's Rules of Practice (49 CFR 1100.42)

These rules were first proposed in a notice of proposed rules published June 26, 1978, 43 FR 27732. They were published in conjunction with a draft policy statement entitled "Improving Commission Regulations" (Ex parte No. 350). The public was invited to comment on both the draft policy statement and the proposed rules. The comments filed in response to the Commission's invitation have been reviewed. Almost all of the comments favored the rules as proposed; however, a few of the comments suggested additional rules which should be included.

One of the suggested additions was a rule which would state that the Commission would publish all petitions for rulemaking in the Federal Register and allow a period for the public to submit comments in support of or in opposition to the petitions. We believe that in some cases it might be appropriate to publish petitions for rulemaking and to request comment; the Commission has done so in the past, and it will continue to do so in the future. However, the Commission receives many petitions which are very limited in their application. We do not believe such petitions should be published for comment. We believe the best approach is a flexible case-by-case approach, and we will continue to base our determination as to whether or not to publish a petition on the nature of the petition.

It was also suggested that the Commission publish petitions for waiver of any of its rules and allow for public comment. Similarly it was suggested that the Commission publish a notice of all of the exemptions that it grants. In most cases the waivers requeste and granted concern minor technicalities in the Commission's regulations. For example, the Commission's Bureau of Accounts processes several hundred requests per year for waivers of our accounting, reporting, and filing regulations. Generally, the policy and consumer implications of these requests are very limited, and we do not believe it would be useful or practical to publish notices of these waivers. We favor a flexible, case-by-case approach to waiver requests, realizing that some petitions for waiver are of general significance and should be published. We have published notice of significant requests for waiver in the past, e.g., to exempt armoured car carriers from the requirements to file annual reports, and we will continue to do so in the future.

Since the great majority of the waivers granted by the Commission are not significant from a policy or a consumer standpoint, we do not believe publication of a list of waivers granted is necessary. However, decisions which are significant will be published (for example, we have recently published notice that we have exempted from some of our regulations companies operating exclusively as designated operators of railroad lines).

Two modifications have been made in the proposed regulations. First, § 1103.6, concerning petitions for extension of time to comment, has been changed. Objections were raised in the comments that the requirement that peitions for extension of time be submitted not later than 15 days before expiration of the comment period was unreasonable. We understand the problem raised in the comments; however, the Commission must have time, if it decides to grant an extension, to publish notice in the Federal Register advising other parties that the extension has been granted. Otherwise, the petitioner will be the only one to benefit from the extension of time. We have modified the provision to provide that the petition must be submitted not later than 10 days before expiration of the comment period. We do not think it is practical to reduce the number of days further.

Second, section 1103.10, Petitions for reconsideration, has been changed to provide that anyone may petition for reconsideration of the Commission's decision in a rulemaking proceeding. The proposed rule limited the right to petition for reconsideration to parties to the proceeding. The change has been made in recognition of the fact that some final rules differ significantly from the rules originally proposed. Thus, someone who had followed the proceeding but had not believed it necessary to participate, on the basis of the proposed rules, might find their interests significantly affected by the final rules. We believe they should have a right to petition for reconsideration of the final rules.

A question was raised in the comments concerning the difference between a notice of intent to institute a rulemaking proceeding, an advance notice of proposed rulemaking, and a notice or proposed rules. A notice of intent advises the public that the Commission proposes to conduct a rulemaking proceeding in the future. This notice puts the public on the alert and gives it time to prepare for the rulemaking proceeding. An "advance notice of proposed rulemaking" actually opens a rulemaking proceeding. An advance notice states that the Commission proposes to adopt regulations and asks for public input in the preparation of those regulations. It is possible that a rulemaking proceeding may be terminated if the comments resulting from an advance notice indicate that rules are not necessary. However, if, after review of comments, the Commission determines to proceed, it will publish a "notice of proposed rules" which will contain the proposed rules and ask for comment on them.

One of the comments noted that people living in the Midwest and the

West do not receive the **Federal Register** as soon as people living in the East. As a result, people in the Midwest and West have less time within which to review rulemaking proposals and to file comments. It was suggested that people in the Midwest be given an extra day and people in the West an extra two days to file comments. We are concerned about the problem, but we are reluctant to inaugurate a system which has staggered dates for filing comments because we do not have the clerical staff necessary to monitor such a system. We will continue to try to provide comment periods which are adequate, even for those whose receipt of the **Federal Register** is delayed, and we will continue the liberal policy toward late comments which is noted in § 1103.5 of the rules.

This decision is not a major Federal action significantly affecting the quality of the human environment or energy consumption. These rules are adopted under the authority of Title 49 U.S.C. § 10321(a) and Title 5 U.S.C. §§ 552, 553, and 559 (the Administrative Procedure Act).

It is ordered: Title 49 of Chapter X of the Code of Federal Regulations is amended by deleting § 1100.42, Petitions seeking institution of rulemaking proceedings, and by adding new § 1103—Procedures governing informal rulemaking proceedings, as published in 43 FR 27732 with the modifications set forth below.

1. The second sentence of subsection 1103.6(a) is revised to read: "The petition and one copy must be submitted at least ten days prior to the deadline for filing comments."

2. The first sentence of § 1103.10 is revised to read: "Any person may petition for reconsideration of the Commission's decision in a rulemaking proceeding."

Decided: July 2, 1979.

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

H. G. Homme, Jr.,

Secretary.

§ 1100.42 [Deleted]

1. Section 1100.42 is deleted.

2. Part 1103 is added to read as follows:

PART 1103—PROCEDURES GOVERNING INFORMAL RULEMAKING PROCEEDINGS

Sec.

1103.1 Applicability.
1103.2 Opening of proceeding.
1103.3 Publication of notices.
1103.4 Participation.
1103.5 Consideration of comments received.
1103.6 Petitions for extension of time to comment.
1103.7 Availability of dockets.
1103.8 Adoption of final rules.
1103.9 Petitions for exemptions.
1103.10 Petitions for reconsideration.

Authority: 5 U.S.C. 552, 553 and 559.

§ 1103.1 Applicability

This part contains general rulemaking procedures that apply to the issuance, amendment, and repeal of rules of the Interstate Commerce Commission, adopted under the procedures of section 553 of Title 5 of the United States Code (the Administrative Procedure Act).

§ 1103.2 Opening of proceeding.

(a) The Commission may open a rulemaking proceeding on its own motion. In doing so, it may consider the recommendations of other agencies of the United States and of other persons.

(b) Any person may petition the Commission to issue, amend, or repeal a rule.

(c) Each petition filed under this section must—(1) Be submitted, along with 10 copies, if possible, to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423;

(2) Set forth the text or substance of the rule or amendment proposed or specify the rule that the petitioner wants to have repealed or modified;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner to support the action sought.

(d) The Commission will grant or deny a petition within 120 days of its receipt.

(e) If the Commission determines that a petition contains adequate justification, it will open a rulemaking proceeding pursuant to section 1103.3 of this part and will notify the petitioner of its action.

(f) If the Commission determines that the petition does not contain adequate justification for opening a rulemaking proceeding, the petition will be denied, with a brief statement of the grounds for denial, and the petitioner will be notified of the Commission's action.

(g) If a petition under this section, concerning a common carrier by railroad, is granted, the Commission will begin the proceeding as soon as is practicable. If the petition is denied, the Commission will publish a statement of the reasons for the denial in the **Federal Register.**

§ 1103.3 Publication of notices.

(a) Interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice may be issued as final without notice or other public rulemaking proceedings.

(b) General rulemaking proceedings will be opened by the issuance of either a notice of intent to institute a rulemaking proceeding, an advance notice of proposed rulemaking, or a notice of proposed rules. The notice will be published in the **Federal Register,** and it will invite the public to participate in the rulemaking proceeding. No notice will be issued in instances where the Commission finds, for good cause, that notice is impractical or unnecessary or contrary to the public interest.

(c) Notices of proposed rules will include—(1) The proposed rules;

(2) A discussion of why the rules are needed and what they are intended to accomplish;

(3) Identification of significant dates in the proceeding, such as dates by which comments must be filed or on which the rules are proposed to take effect;

(4) Any relevant addresses;

(5) The name and phone number of an individual within the Commission who can provide further information concerning the proceedings;

(6) Any supplementary information required; and

(7) Reference to the legal authority under which the rule is proposed.

(d) In addition to being published in the **Federal Register,** notices of proposed rulemaking, and subsequent notices and decisions in rulemaking proceedings, will be served on the parties and made available to the public through the Office of the Secretary. To the extent possible, the date of service will be the same as the date of publication in the **Federal Register.** Where the service and publication dates are not the same, the date of publication in the **Federal Register** is controlling for the purpose of determining time periods set by these procedures or by notices issued in individual proceedings.

§ 1103.4 Participation.

Any person may participate in rulemaking proceedings by submitting written information or views. In addition, the Commission may invite persons to present oral arguments, participate in informal conferences, appear at informal, fact-finding hearings, or participate in any other proceeding. Information gathered as a result of any additional proceeding and information contained in written submissions will be given the same consideration.

§ 1103.5 Consideration of comments received.

All timely comments will be considered before final action is taken on a rulemaking proposal. Comments which are filed late will be considered so far as possible without incurring additional expense or delay.

§ 1103.6 Petitions for extension of time to comment.

(a) Any person may petition the Commission for an extension of time to submit comments in response to a notice of proposed rulemaking. The petition and one copy must be submitted at least 10 days prior to the deadline for filing comments. The filing of the petition does not automatically extend the time for the filing of petitioner's comments.

(b) The Commission will grant the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, notice of it will be published in the **Federal Register**, and it will apply to all persons.

§ 1103.7 Availability of dockets.

Dockets of pending rulemaking proceedings will be maintained in the office of the Commission's Secretary. These dockets are available for inspection by any person, and copies may be obtained upon payment of the prescribed fee.

§ 1103.8 Adoption of final rules.

If, after consideration of all comments received, final rules are adopted, notice will be published in the **Federal Register**.

§ 1103.9 Petitions for exemptions.

Any person may petition the Commission for a permanent or temporary exemption from any rule. Petitions should be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, and should identify the rule involved and the arguments in favor of granting the exemption.

§ 1103.10 Petitions for reconsideration.

Any person may petition for reconsideration of the Commission's decision in a rulemaking proceeding. Petitions should be filed within 30 days of the date that the final decision is published in the **Federal Register** and should identify the interest of the petitioner, the specific action sought, and the arguments favoring that action.

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INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

Semiannual Agenda of Significant Proceedings Pending

AGENCY: Interstate Commerce Commission.

ACTION: Publication of Semiannual Agenda of Significant Proceedings.

SUMMARY: The Commission is publishing the first of its semiannual agendas of significant pending proceedings. We are also publishing a list of regulations under review and requesting the public to submit comments on Commission regulations which should be the subject of future review.

DATES: Comments may be submitted at any time.

ADDRESSES: Comments should be marked "Review of Regulations" and should be sent to: Office of Proceedings, Interstate Commerce Commission, Room 5221, Washington, DC 20423.

FOR FURTHER INFORMAITON CONTACT: James S. Todd, (202) 275–7427.

SUPPLEMENTARY INFORMATION: In response to President Carter's Executive Order No. 12044, Improving Government Regulations, the Commission is publishing the first of what will be the semiannual agendas of significant pending proceedings. The list contains both rulemaking and formal proceedings, pursuant to sections 553 and 554 of the Administrative Procedure Act, 5 U.S.C. 553 and 554.

The Commission is also publishing a list of regulations either under review or being considered for review. Some of these reviews are already the subject of rulemaking proceedings. Others are still being studied by the Commission staff. A majority of the Commission must approve any proposals which result from these reviews before a rulemaking proceeding can be opened to change the regulations.

The Commission is firmly committed to improving its regulations. We realize that we can receive substantial assistance in this effort from the public, and we encourage the public to participate in this effort by filing comments suggesting regulations which need to be reviewed and either revised, expanded, or rescinded. We would especially like to receive comments identifying those regulations which are difficult to understand, costly to comply with, or no longer necessary.

Decided: July 2, 1979.

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

H. G. Homme, Jr.,

Secretary.

Title	Description	Person to contact	Status
1. Ex Parte No. 55 (Sub-No. 8B), Motor Common Carriers of Property Routes and Service.	Proceeding to reevaluate the Commission's gateway elimination rule.	Michael Erenberg (202) 275–7245.	Record closed; revised decision being prepared.
2. Ex Parte No. 55 (Sub-No. 35), Summary Grant Procedures (Finance).	Proceeding to adopt expedited procedure for granting unopposed motor carrier applications seeking authority to purchase, control, lease, or merge operating authorities.	....do....	NPR published 5/2/79; comment period closed 6/1/79; decision being prepared for publication.
3. Ex Parte No. 73 and Ex Parte No. MC–1, Regulations for Payment of Rates and Charges.	Proposed rules for extension of credit by motor carriers.	Janice Rosenak (202) 275–7693.	Informal conference held 10/12/78; under further study.
4. Ex Parte No. 241 (Sub-No. 1), Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization; Distribution Rules and Practices.	Proceeding to consider elimination of Commission's mandatory rail car service rules.	Ginger Levin (202) 275–0810.	NPR published 4/18/79 (44 FR 23100); comments under review.
5. Ex Parte No. 270 (Sub-No. 9 A, B, & C), Investigation of Railroad Freight Rate Structure for Grain Shipments.	Proceeding to consider further modifications to the grain rate structure.	Janice Rosenak (202) 275–7693.	FR notice seeking comment published 4/27/79 (44 FR 24893); comment period extended to 8/10/79.
6. Ex Parte No. 274 (Sub-Nos. 2A, 2B, 2D), Abandonment of Railroad Lines, and Discontinuance of Service.	Concerns handling of related abandonment applications, increasing public participation in abandonment proceedings, and revising system diagram maps.	Michael Erenberg (202) 275–7245.	Record closed; decision being prepared.
7. Ex Parte No. 274 (Sub-No. 3), Abandonment of Railroad Lines—Use of Opportunity Costs.	Proceeding to consider whether opportunity costs of capital should be used in rail abandonment cases.	....do....	NPR published 2.23/79; comment period closed; comments being reviewed.
8. Ex Parte No. 297 (Sub-No. 3), Modified Terms and Conditions for Approval of Collective Rate Making Agreements.	Proceeding to determine whether 4R Act restrictions on rail rate bureaus should apply to motor carriers.	Janic Rosenak (202) 275–7693.	Notice of decision issued 2/28/79. Decision to follow. NPR issued 3/8/79 (44 FR 12718) for comment on whether rate bureau meetings should be open to the public. Comment period closed; draft decision under review.
9. Ex Parte No. 297 (Sub-No. 4), Re-opening of Section 5a Agreements.	Individual review of all non-rail rate agreements to determine whether antitrust exemptions are consistent with National Transportation Policy.	....do....	Proceeding by types of rate bureaus. Conference on bus agreements held 1/16/78; conference on household goods carriers agreements held 2/7/79.
10. Ex Parte No. 319, Investigation of Freight Rates for Transportation of Recyclables.	Comparison of rates on recycled versus virgin commodities.	....do....	Decision on remand issued 4/16/79; decision pending on petitions for review and clarification.
11. Ex Parte No. 320, Market Dominance Standards and Procedures.	Review of Rules governing market dominance (or effective competition) in railroad rate making.	....do....	Kearney Report under study; changes in rules being considered.
12. Ex Parte No. 327 (Sub-No. 1), Capital Incentive Rates.....	Proceeding to revise rules governing rates on movements where there is to be at least a $1 million investment necessary (49 CFR 1109.20).	....do....	Statutory deadline of 4/21/81. Record closed; decision being prepared.
13. Ex Parte No. 332, Voting Trust Regulations.....	Proceeding involves adoption of regulations governing the establishment and administration of independent voting trusts.	Michael Erenberg (202) 275–7245.	Record closed; initial decision being prepared.
14. Ex Parte No. 342, Procedures Governing the Processing, Investigation, and Disposition of Overcharge, Duplicate Payment or Overcollection Claims.	Proceeding to develop rules to govern shipper/carrier handling of claims.	Janice Rosenak (202) 275–7693.	Report on reconsideration served 1/10/79. Reopened to receive additional evidence on issue of unidentified payments. Record closed; Under review.
15. Ex Parte No. 346 (Sub-No. 2), Rail General Exemption Authority-Miscellaneous Commodities.	Proceeding to consider exempting transportation of certain agricultural and marine commodities from regulation.	....do....	NPR published 3/29/79 (44 FR 18711); comment period closed; comments being reviewed.
16. Ex Parte No. 347, Western Coal Investigation Guidelines for Railroad Rate Structure.	Study of costing issues for western coal traffic.....	....do....	Statutory deadline of 5/10/80. Record closed; decision being prepared.
17. Ex Parte No. 353, Adequacy of Railroad Revenue (1978 Determination).	Annual determination of profit levels needed by railroads, pursuant to Commission's regulations (49 CFR 1109.25).	....do....	Statutory deadline of 6/5/81. Decision on cost of capital issues served 12/5/78; decision on appeals served 3/27/78. Decisions on other issues pending.
18. Ex Parte No. 354, Additional Charges of Motor Carriers and Freight Forwarders.	Proposal to eliminate arbitrary charges for certain services.	....do....	Record closed; decision being prepared.
19. Ex Parte No. 357, Increased Freight Rates and Charges, Nationwide—8 Percent.	Investigation or nationwide 8 percent rail freight rate increases.	....do....	Order allowing increase for specific commodities served 2/23/79. Decision pending on petitions for reconsideration.
20. Ex Parte No. MC–19 (Sub-No. 23), Estimating Practices of Household Goods Carriers.	Proceeding involves rules relating to household goods carriers' estimating practices.	J. Patterson King (202) 275–7691.	NPR published 6/18/79 (44 FR 34994); comments due 8/27/79.
21. Ex Parte No. MC–19 (Sub-No. 34), Household Goods Transportation (Storage-in-Transit Charges).	Proposal to change method whereby carriers assess charges for storage of household goods in transit.	Martin E. Foley (202) 275–7348.	NPR published 5/25/79; (44 FR 30387); comments due 7/24/79.
22. Ex Parte No. MC–64 (Sub-No. 2), Special Temporary Authority Procedures.	Proceeding to consider new procedure for granting temporary authority where need for service has been established.	J. Patterson King (202) 275–7691.	NPR published 3/20/79 (44 FR 16996); comment period closed draft decision being prepared.

Title	Description	Person to contact	Status
23. Ex Parte No. MC-65 (Sub-No. 6), Petition to Expand Passenger Motor Carrier Superhighway and Deviation Rules.	Proceeding to consider expanding the amount of mileage a carrier operating over a prescribed route may deviate from that route to conserve energy.	Michael Erenberg (202) 275-7245.	Record closed; decision being prepared.
24. Ex Parte No. MC-73 (Sub-No. 1), Interchange Policies at International Boundary Lines.	Proposal to establish free zone for interchange of traffic at or near international boundary lines.	J. Patterson King (202) 275-7691.	NPR published 5/1/79 (44 FR 25476); comments under review.
25. Ex Parte No. MC-98, New Procedures in Motor Carrier Rate Restructuring Proceedings.	Study of motor carrier rate structure	Janice Rosenak (202) 275-7693.	Decision issued 3/27/78 (43 FR 14670). Decision pending on petitions for reconsideration.
26. Ex Parte No. MC-98 (Sub-No. 1), Investigation of Motor Carrier Classification System.	Study of factors and procedures used to classify articles for transportation.	do	Record closed; draft decision being prepared.
27. Ex Parte No. MC-98 (Sub-No. 2), Proposed Rulemaking on Released Rates in Conjunction with a Small Shipments Tariff.	Study of feasibility of lower rates with less carrier liability for shupments under 500 pounds.	do	Decision containing final rules served 6/21/79.
28. Ex Parte No. MC-107, Transportation of Government Traffic.	Proceeding involves a simplified licensing requirements for motor carriers seeking to transport government traffic.	J. Patterson King (202) 275-7691.	Record closed; final decision being prepared.
29. Ex Parte No. MC-121, Policy Statement on Motor Carrier Regulation.	Proceeding involves consideration of increasing emphasis on competition among motor carriers.	do	Record closed; revised decision being prepared.
30. MC-C-9873, Interpretation of Aggregated Commodities Service Classification.	Proceeding involves examination of the ability of the heavy hauler to transport aggregated commodities.	do	Record closed; under review.
31. F.D. 21510 (Sub-No. 2), Norfolk and Western Railway Co.-New York, Chicago & St. Louis Railroad Company-Merger.	Petition to reopen previously approved merger and order Delaware and Hudson Railway merged into N&W.	Michael Erenberg (202) 275-7245.	Decision pending.
32. F.D. No. 28499 (Sub-No. 2), Norfolk and Western Railroad Company and Baltimore and Ohio Railroad Company-Control-Detroit, Toledo, and Ironton Railroad Company.		do	Statutory deadline of 5/18/80. Initial decision target date 8/15/79.
33. F.D. No. 28676 (Sub-No. 1), Grand Trunk Western Railroad-Control-Detroit, Toledo, and Ironton Railroad Company.	Consolidated proceedings involving applications to control and operate DT&I.	do	Statutory deadline of 9/14/80.
34. F.D. 28583 (Sub-No. 1), Burlington Northern, Inc.-Control and Merger-St. Louis-San Francisco Railway Company.	Consideration of merger applications	do	Hearing in progress. Statutory deadline of 5/16/80.
35. F.D. No. 28799, St. Louis, Southwestern Railway Company-Purchase (Portion)-William M. Gibbons, Trustee, Chicago, Rock Island & Pacific Railroad Company, Debtor.	Investigation of application by St. Louis Southwestern to purchase portion of Rock Island.	do	Hearing in progress; record will close 9/21/79. Statutory deadline of 3/19/80.
36. F.D. No. 28905 (Sub-No. 1), CSX Corporation-Control-Chessie System, Inc., and Seaboard Coast Line Industries.	Control proceeding involving Chessie and Seaboard Coast Line Railroad Systems.	do	Hearing in progress. Statutory deadline of 8/14/81.
37. No. 36137 (Sub-No. 1), Revision of Levels of Revenues which Define the Classes of Motor Carriers of Property.	Poroceeding to raise the revenue level classifications to reduce the accounting and reporting burden on small carriers.	Wayne Howard (202) 275-6236.	Record closed 2/28/79; decision being prepared.
38. Ex parte No. MC-125, Fare Flexibility for the Bus Industry	Petition of Trailways Bus Co. for greater rate flexibility without Commission interference.	Janice Rosenak (202) 275-7693.	NPR published 7/6/79 (44 FR 39555); notices of intent to participate due 7/26/79; comment deadline not yet set.
39. S5R2, S5R3, and S5R8, Western, Eastern, and Southern Rate Bureau Agreements.	Application of 4R Act restrictions on rate bureau activities and proposed changes in rate bureau operations.	do	Statutory deadline of 3/1/81; record closed 2/15/79; under study.
40. Ex Parte No. 367, Tariff Integirty Board	Proceeding to establish new procedure for rejecting tariffs which are in violation of tariff regulations.	Martin E. Foley (202) 275-7348.	NPR published 7/6/79 (44 FR 39559); comments due 8/20/79.
41. Ex Parte No. MC-128, Revenue Need Standards in Motor Carrier General Increase Proceedings (includes I&S No. M-29772, General Increase, Southern Motor Carrier Rate Conference).	Proceeding to consider establishment of standards governing average maximum profitability (other cases involving rate increases are being held in abeyance pending resolution of issues in this case).	Janice Rosenak (202) 275-7693.	

Current Regulations Either Under Review or Being Considered for Review

49 CFR Section	Description
1033	Review of regulations concerning car service.
1036	Review of regulations governing incentivbe per diem charges.
1042	Revision of highway and superhighway deviation rules.
1056	Revision of regulations governing motor carriers of household goods.
1063	Revision of regulations involving adequacy of motor carrier passenger service.
1067	Review of fitness flagging procedures.
1091	Review of regulations governing practices of for-hire motor common carriers of property participating in Alaskan motor-ocean-motor substituted service. (Agenda Item 12.)
1100	Review of Commission's rules of practice.
1102.4(e), 1102.9.	Review of some procedures governing rail carrier general rate increase proceedings.
1104	Review of procedures to be followed in motor carrier revenue proceedings.
1109.1	Revision of regulations concerning market dominance, distinct rail services, and seasonal rates.
1121	Review of regulations concerning abandonment of railroad lines and discontinuance of service.
1124	Review of regulations dealing with rail passenger carrier ability to meet special needs of handicapped persons. (Agenda Item 7.)
1131	Review of regulations governing granting temporary motor carrier operating authority.
1201	Evaluation of changes in uniform system of accounts (USOA) for railroads.
1206	Update of USOA for motor carriers of passengers.
1209	Revision of USOA for water carriers.
1210	Revision of USOA for freight forwarders.
1240.5	Revision of classifications of motor carriers of property.
1245	Revision of classifications of railroad employees, reports of service and compensation.
1248.1-5	Review of freight commodity reporting requirements for railroads.
1300	Revision of tariff rules.
1303-1310	
1320	Revision of regulations governing extension of credit to shippers by rail carriers.
1322	Revision of regulations concerning extension of credit to shippers by motor carriers. (Agenda Item 2.)
1331	Review of motor carrier rate bureau procedures. (Agenda Item 9.)

[FR Doc. 79-22206 Filed 7-18-79; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 350]

Improving Commission Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Statement of policy.

SUMMARY: This statement identifies changes made in the draft statement of policy on improving Commission regulations, which was published June 26, 1978. The changes have been made in response to public comment on the draft statement and internal developments at the Commission which have led to changes in the procedures for developing and processing rulemaking proceedings. In conjunction with the publication of this statement, the Commission is publishing final rules, containing informal rulemaking procedures, and an agenda of significant proceedings presently pending before the Commission.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: James S. Todd, (202) 275–7427.

SUPPLEMENTARY INFORMATION: On June 26, 1978, the Commission published a draft statement of policy in this proceeding and asked for public comment. The statement was issued partially in response to Executive Order 12044, entitled "Improving Government Regulations," which was signed by President Carter on March 23, 1978. That order contained specific requirements and general policy guidance designed to improve present and future regulations and to insure that the public would have an adequate opportunity to participate in the rulemaking process. Although the order was not applicable to the Commission, the President asked that the Commission voluntarily apply the new policies and procedures. The draft policy statement discussed the extent to which the Commission was already in compliance with the President's order and the additional actions which the Commission intended to take to improve its informal rulemaking procedures.

In conjunction with the publication of the draft statement of policy, the Commission also published proposed rules governing the rulemaking proceedings, which it conducts in accordance with section 553 of the Administrative Procedure Act (Title 5, U.S.C. 553), and asked for public comment on them. The rules were based on procedures which for the most part had been followed routinely by the Commission for some time. They set forth the steps involved in a rulemaking proceeding and stated the ways in which the public might participate. Comments on the proposed rules have been reviewed, and a notice of final rules is being published in conjunction with the publication of this final statement of policy.

One of the most important aspects of the draft statement of policy was its description of the Commission's internal process through which rules are generally developed. A major role in this process was played by the Policy Review office, which was at that time a new office within the Office of the Chairman of the Commission. Although the Commission supported the role of the Policy Review Office in the rulemaking process, the creation of that office further divided responsibility for policymaking within the Commission. In addition to the Policy Review Office, policy functions were assigned to the Commission's Bureau of Economics and the Rail Services Planning Office's Section of Transportation Policy Planning.

At the time that the draft statement of policy was published, an internal study was underway to determine whether or not to reorganize the policy functions within the Commission. The study concluded that such a reorganization was necessary, and, as a result, a major reorganization was planned and carried out. The three offices with policymaking functions were merged into the Commission's new Office of Policy and Analysis. This made it necessary to adopt a new procedure for developing and conducting rulemaking proceedings. It has been the development of this new procedure which has delayed the adoption of a final statement of policy in this proceeding.

This notice responds to the comments which the Commission received on the original draft statement of policy and identifies the changes which have been made in respense to the comments and the reorganization of the Commission's policy-making offices.

The Commission's Process for Developing Regulations

This section of the draft statement identified the efforts which the Commission has made to elicit public participation in its rulemaking processes. The draft mentioned that one of the major problems the Commission has faced in its rulemaking proceedings is that the public comment sometimes does not provide it with sufficient basis for either adopting or rescinding a proposal. In the time since the draft statement was published, the Commission's Office of Special Counsel has begun to function actively and to take part in Commission proceedings. The special counsel is specifically charged with the responsibility for representing the public interest in Commission proceedings, and the Commission may direct the special counsel to participate in any of its proceedings. We expect the participation of the special counsel to mitigate the problem of public participation.

One of the comments suggested that in cases where the Commission needs specific information, it might be helpful if the Commission were to publish a questionnaire to elicit specific responses. An approach similar to this was used in Ex Parte No. MC–43 (Sub-No. 7), Lease and Interchange of Vehicles, where a statistical survey of owner-operators was incorporated into the record in the case.

Criteria for Defining Significant Regulations

The Commission stated in this section of the draft that it did not think that any purpose would be served by proposing criteria for defining significant regulations. The requirement of the Executive Order that "significant" proposed regulations be identified appears to be included largely because it is only these regulations that the order requires be prepared under the direct oversight of the heads of the Executive Branch agencies. Unlike these agencies, the Commission considers and votes on all rulemaking proposals which the Commission publishes. The Commission's organization Rules specifically reserve to the Commission the jurisdiction over rulemaking procedings. Thus, in effect, every rulemaking proposal is treated as though it were significant, and the Commission does not believe that any formal criteria for determining what are significant regulations are needed. The comments supported this position.

Criteria for Identifying Regulations for Regulatory Analysis

This section described the Commission's internal processes for developing regulations and determining which rulemaking proposals require regulatory review. The section is superseded by the description which follows.

Normally, Bureaus or Offices of the Commission which are considering undertaking a rulemaking proceeding are to notify the Office of Policy and Analysis at the earliest stage possible

before any significant amount of staff time is expended. Early notification enables the Office of Policy and Analysis to provide initial guidance to the originating office, to assess the relative priority of the rulemaking, and to coordinate the proposal with other offices of the Commission.

Some rulemaking may be less significant than others. Some, on the other hand, may be *clearly* worthwhile. Complete regulatory analyses may not always be necessary. In these cases, the Bureau or Office proposing the rulemaking will explain to the Office of Policy and Analysis why it does not think a complete regulatory analysis is necessary. The Office of Policy and Analysis, after consulting with the Office of Proceedings and the Office of the Managing Director, will then determine whether any of the regulatory analysis procedures may be omitted.

Many of the comments express concern as to what standards would be used to determine just how much of the regulatory analysis procedure would be used for each rulemaking. The Commission does not believe it is necessary or desirable to further define the standards which are to be applied here. We believe that there must be a good deal of flexibility to insure that the regulatory analysis process assists in the developing of rulemaking proposals rather than hinders it by creating a new layer of bureaucratic red tape. We see the regulatory analysis as an innovative and a stimulating process. However, while this process can be immensely beneficial to some rulemakings, it can be a burdensome and unnecessary exercise for others. The decision as to how much analysis should be conducted in each proceeding must be made on a case-by-case basis, and it is for that reason that we are retaining our flexible approach.

In conducting a regulatory analysis the Commission's offices and bureaus are to be guided by the following list of questions:

(1) Is there an identifiable national or Commission policy objective which the proposed rule is expected to implement?

(2) How relevant is the proposed rule to the carrying out of the Commission's responsibilities?

(3) What issues will have to be resolved before the final decision can be made on whether to adopt the proposed rule?

(4) What information or studies available to the Commission support the proposed action?

(5) Are there pending rulemakings or investigations which are significantly related to the proposed rule?

(6) How do the Commission and the regulated industry function now in the absence of the proposed rule?

(7) What are the anticipated effects of the proposed rule on the transportation industry, the public, and the Commission?

(8) Are substantial costs, benefits, or other impacts expected to result from the adoption of the proposed rule?

(9) Are the anticipated costs justified by the anticipated benefits?

(10) How can the effects of the proposed rule be measured?

(11) Should an evaluation of the effects be conducted?

(12) Have environmental and energy impacts been considered?

(13) What alternative courses of action are possible?

(14) How do the alternative courses of action compare to the proposed rulemaking in cost, time required, and anticipated results?

(15) If a rulemaking is instituted, is a record adequate to permit an informed decision likely to be developed by the outside participants?

(16) Should Commission staff be directed to participate in the proceeding to develop the record? If yes, how many professional staff and how many clerical staff will be involved and for how long?

(17) What other Commission resources will be used in drafting the rules or processing the rulemaking proceeding, i.e., staff resources, contract dollars, travel dollars, computer support, and so on?

(18) What Commission resources will be used in implementing, monitoring, enforcing and evaluating the resulting regulation or policy change?

(19) What other government agencies should be consulted or requested to participate in the rulemaking proceedings?

(20) What other bureaus and offices of the Commission have been consulted in preparing the notice of rulemaking?

(21) What are the target dates for beginning and completing the rulemaking proceeding and key intermediate stages?

(22) What dates are to be established for public participation in the rulemaking proceeding?

(23) What special forms or reporting requirements will be needed?

After completion of the regulatory analysis, the Bureau or Office will prepare a draft notice of proposed rulemaking which will include a summary of the conclusions reached as a result of the regulatory analysis. The Office of Policy Analysis will review the draft for its policy content; the Office of Proceedings will review it from a legal standpoint and to be sure that it meets Federal Register requirements and is written in plain English; and the Office of the Managing Director will review it to assess its impact on the ongoing workload and budget resources of the Commission. If the three offices approve the notice, it will then be submitted to the Commission, and, if it is approved by a majority of the Commission, it will then be published in the Federal Register as either an advance notice of rulemaking or a notice of proposed rules. Notices of proposed rules will contain summaries of the conclusions reached as a result of the regulatory analysis conducted in the proceeding.

Some of the comments expressed confusion concerning the use of the terms "notice of intent to conduct rulemaking," "advance notice of rulemaking," and "notice of proposed rules." A notice of intent to conduct rulemaking is simply a notice published to alert the public that the Commission intends to open a rulemaking proceeding in the near future. Its purpose is to prepare the public as early as possible so that it may participate in a proceeding. An advance notice of proposed rulemaking actually opens a rulemaking proceeding. In an advance notice, the Commission will identify the issues before it and will request suggestions from the public as to how to deal with these issues. In effect, the public will be asked its opinion as to the answers of some of the questions which the Commission would ordinarily pose for itself during the regulatory analysis process. Sometimes the Commission will even ask the public to suggest proposed rules. An advance notice of proposed rulemaking is usually followed by a notice of proposed rules which will actually contain rules and ask for public comment on them. Of course, if the comments which the Commission receives as a result of an advance notice indicate that there is no need for rules to be adopted in a proceeding, the Commission may simply choose to close out the proceeding.

One of the comments suggested that the Commission should publish an advance notice in all proceedings in which a regulatory analysis was determined to be necessary. We do not believe that this step is necessary, and we prefer to retain a flexible approach which permits us to make a decision concerning the type of notice on a case-by-case basis.

Criteria for Selected Regulations for Review

The comments agreed with the categories which the Commission set forth in its draft statement of policy: statutory requirements that rules be reviewed; time elapsed since a rule was reviewed; costliness of rules in terms of compliance on the part of the public or their administration and enforcement by the Commission; and clarity of rules. It was suggested that an additional category be added calling for amendment of unnecessary or inappropriate gender-based terminology in existing regulations. We do not think

this is necessary since most of the Commission's regulations use terms such as "shippers," "carriers," or "applicants," not pronouns such as "he" or "she". However, every regulation being drafted or reviewed is being checked and if any references based on gender are found, they will be eliminated.

In the draft notice, the Commission noted that, in many cases, it is public complaints and suggestions which call attention to the need to review specific regulations. The agenda of rulemaking proceedings, being published in conjunction with this proceeding, also contains a list of regulations under review and a specific invitation for the public to file suggestions as to other regulations which should be reviewed. The Commission hopes to receive such comments, and it anticipates that they will play a major role in helping it to select regulations for review in the future.

Accordingly, the statement on improving Commission regulation published June 26, 1978, as modified above, is adopted as the policy of the Commission.

Decided: July 2, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Vice Chairman Brown absent and not participating. Commissioner Gresham dissenting.

H. G. Homme, Jr.,

Secretary.

Commissioner Gresham, dissenting, in part:

Since I question the ability of the Office of Special Counsel to independently represent the public interest in Commission proceedings, I am not convinced that the participation of this office will mitigate the problems of public participation raised in this policy statement.

[FR Doc. 79-22205 Filed 7-18-79; 8:45 am]

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federal register

Thursday
July 19, 1979

Part VII

Department of Defense

Defense Civil Preparedness Agency

Program for Financial Contributions to States for State and Local Civil Defense Personal and Administrative Expenses; Proposed Rule

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency

[32 CFR Part 1807]

Program for Financial Contributions to States for State and Local Civil Defense Personal and Administrative Expenses

AGENCY: Defenses Civil Preparedness Agency, Department of Defense.

ACTION: Proposed Rule.

SUMMARY: This document proposes a revision of the existing regulations governing the program for financial contributions to States for State and local civil defense personal and administrative expenses.

DATE: All comments must be received in writing by September 17, 1979.

ADDRESS: Send comments to Defense Civil Preparedness Agency, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: John W. McConnell, Assistant Director for Plans and Operations, 202–697–8314.

SUPPLEMENTARY INFORMATION: DCPA is revising its existing regulations in order to formally publish a reference to and description of the uniform administrative requirements and the cost principles, prescribed under OMB Circular A–102 (42 FR 45828) and under FMC 74–4 (39 FR 27133), respectively, as they apply to the program for financial contributions to States for necessary and essential State and local civil defense personal and administrative expenses granted under the authority of Section 205 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297). In addition DCPA is revising the provisions on merit system requirements to affirmatively adopt, as a regulatory requirement rather than a statutory requirement, the standards for a Merit System of Personnel Administration (5 CFR Part 900) which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91–648, Sec. 2, 84 Stat. 1909) prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970, as amended. Section 602 of the Civil Service Reform Act of 1978 (92 Stat. 1189) had the effect of abolishing the merit system requirements imposed upon financial assistance grantees by Section 205 of the Federal Civil Defense Act of 1950, as amended. Accordingly, if the merit system standards are to apply under the program, adoption by the regulatory process is necessary.

In the process a number of changes are being made in order to update regulations as presently published. For example, the provisions which pertain to requiring a loyalty oath are being deleted. Although there was no substantial conflict between the two, the provisions regarding the use of formal advertisement for bids in State and local procurement actions are being deleted and replaced by adoption of the procurement standards of Attachment 0 of OMB Circular A–102.

Actual changes in criteria are not as substantial as the volume of the revised regulations suggests. From the time the first grants were made under this program in 1961, DCPA and its predecessor agencies have provided guidance to States and their political subdivisions not only through formal regulations and published handbooks and directives, but also through person-to-person contact. Such contacts include telephone calls, on-site visits on the part of Federal regional personnel, and conferences and meetings attended by representatives of the Federal, State and local levels of government. Many of the criteria and procedural requirements were adopted as a result of cooperative efforts of various civil defense officials of the State and local governments either in direct contacts with DCPA personnel (e.g., regional meetings of State Civil Defense Directors, and ad hoc conferences) or through representative organizations such as the Council of State Governments and the U.S. Civil Defense Council.

Following issuance of the directives on cost principle and standard administrative requirements for application to grants to State and local governments, DCPA advised the States and participating local governments, through dissemination in manuals (e.g., CPG 1–3) and other publications and directives, regarding the application of these Federal standards. In addition regional field personnel and other DCPA employees have provided specific advice and assistance in matters pertaining to compliance with the criteria. As indicated in 32 CFR 1800.20 civil preparedness guides and circulars contain detailed guidance relative to the criteria and procedures applicable to grants to States under the program covered by the regulations in this part.

It is anticipated that by the time these rules become final the functions involved in the regulations in this part will have been transferred to the Federal Emergency Management Agency and these regulations transferred to the Federal Emergency Management Agency and these regulations transferred to 44 CFR Part 301. Accordingly, the Sections of Part 1807 are being renumbered to include additional digits in order to facilitate the forthcoming amendment.

In consideration of the foregoing, it is proposed that 32 CFR Part 1807 be revised to read as set forth below.

Dated: July 13, 1979.

Bardyl R. Tirana,

Director, Defense Civil Preparedness Agency.

PART 1807—CIVIL DEFENSE STATE AND LOCAL MANAGEMENT PROGRAM (CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES)

Sec.

1807.001 Purpose.
1807.002 Definitions.
1807.003 Incorporation of CPG 1–3.
1807.004 Allocation.
1807.005 Reallocation.
1807.006 State plans and annual submissions.
1807.007 Agreement for contributions.
1807.008 Fiscal year limitation.
1807.009 Merit personnel systems.
1807.010 Use of funds, materials, supplies, equipment, and personnel.
1807.011 Cost principles.
1807.012 Implementation of OMB Circular A–102.
1807.013 Other Federal requirements.
1807.014 Projects involving construction.

Authority: Sec. 401, Federal Civil Defense Act of 1950, as amended, 64 Stat. 1255, 50 U.S.C. App. 2253; Reorg. Plan No. 1 of 1958, 72 Stat. 1799, 23 FR 4991, E.O. 10952, 26 FR 6577; 29 FR 5017, Apr. 10, 1964; unless otherwise noted.

§ 1807.001 Purpose.

(a) The regulations in this part prescribe the requirements for Federal financial contributions to the States, and, through the States, to their political subdivisions for necessary and essential States and local civil defense personnel and administrative expenses, under section 205 of the Federal Civil Defense Act of 1950, as amended, and set forth the conditions under with such contributions will be made.

(b) The intent of this program is to increase civil defense operational capability at the State and local levels of government by providing Federal financial assistance so that personnel and other resources can be made available for essential planning and other administrative function required in order to accomplish this objective.

§ 1807.002 Definitions.

Except as otherwise stated or clearly apparent by context, the definitions ascribed in this section to each of the listed terms shall constitute their

meaning when used in the regulations in this part. Terms not defined in this part shall have the meaning set forth in their definition, if any, in the Federal Civil Defense Act of 1950, as amended.

(a) *Act.* The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(b) *Administrative expenses.* Necessary and essential expenses, other than personnel expenses as defined in this section, of a grantee and its subgrantees incurred in the administration of their civil defense programs, as detailed in CPG 1–3, including without limitation Appendix P which sets forth the "Cost Principles Applicable to Grants and Contracts with State and Local Governments" as promulgated in FMC 74–4.

(c) *Annual submission.* The State's annual request for participation in the contributions program authorized by section 205 of the Act. As specified in CPG 1–3, it includes staffing patterns (including job description changes), budget requirements, any amendments to the State administrative plan, a request for funds covering the State and its subgrantees, and if not previously submitted, program papers for the grantee and subgrantees. Program papers may be submitted separately or as part of the annual submission.

(d) *Approval.* All approvals by the grantor agency required under the regulations in this part mean prior approval in writing signed by an authorized official of the grantor agency. When failure to obtain approval prior to an action has not resulted and is not expected to result, in any failure of compliance with a substantive requirement and approval after the fact is not contrary to law or regulation having the effect of law, written approval after the fact may be granted at the discretion of the authorized official.

(e) *CPG 1–3.* Civil Preparedeness Guide entitled "Federal Assistance Handbook" which sets forth detailed guidance on procedures which a State and, where applicable, its political subdivision must follow in order to request financial assistance from the grantor agency. It also sets forth detailed requirements, terms and conditions upon which financial assistance is granted. Included are amendmentsd by numbered changes and by Civil Preparedness Cireulars issued by the grantor agency as provided in 32 CFR 1800.20 (42 FR 34880). References to CPG 1–3 include provisions of other volumes of the CPG series specifically referenced in CPG 1–3. Copies of the Civil Preparedness Guides and the Civil Preparedness Circulars may be ordered from the U.S. Army A.G. Publications Center, Civil Defense Branch, 2800 Eastern Boulevard (Middle River) Baltimore, MD 21220. One or more copies of CPG 1–3 have been distributed to each State and to each local government participating in the program under the regulations in this part. Copy of revisions and amendments are distributed to participating governments (addressed to the Civil Defense Director) upon issuance.

(f) *Director.* The Director of the grantor agency or another official of the Agency authorized in writing by the Director to act officially on behalf of the Director.

(g) *FMC 74–4.* Federal Management Circular 74–4, "Cost Principles Applicable to Grants and Contracts with State and local Governments", codified in the Code of Federal Regulations at 41 CFR Subpart 1–15–7, including amendments or revisions as published in the **Federal Register.** (See Appendix P of CPG 1–3).

(h) *Forms prescribed by the grantor agency.* Forms prescribed by the grantor agency may be ordered from the U.S. Army A.G. Publication Center, Civil Defense Branch, 2800 Eastern Blvd. (Middle River) Baltimore, MD 21220. For the purposes of the regulations in this part, they include the following:

(1) Program Paper for State Civil Defense, DCPA Form 744–2, Aug. 1977; Local Civil Preparedness Annual Program Paper, DCPA Form 744A, April 1978.

(2) Financial Contribution Request, DCPA Form 234, Aug. 1976; Personnel and Administrative Expenses Summary (State), DCPA Form 234–1, May 1976; Personnel and Administrative Expenses Summary (Local), DCPA Form 234–1A, Jan. 1973.

(3) Staffing Pattern, DCPA Form 751, Sept. 1972.

(4) State and Local Management Expenses Claimed for (Personal and Administrative Expenses) Contributions, DCPA Form 234–3, Aug. 1976.

(5) Billing for State and Local Management Contributions, DCPA Form 380–1, June 1976.

(6) Federal Assistance Application for Construction Programs, DCPA Form 1401, July 1975.

(i) *Grantee.* A State having a State administrative plan, a program paper, and an annual submission, all approved by the grantor agency as meeting the requirements prescribed in this part and in CPG 1–3 for necessary and essential State and local civil defense personnel and administrative expenses for a current Federal fiscal year.

(j) *Grantor agency.* The Defense Civil Preparedness Agency.

(k) *Host area.* An area identified by a State as having a capacity for accommodating people relocated from a risk area, as well as its own population, during a period of international crisis having high potential for nuclear attack.

(l) *Interstate civil defense authority.* Any civil defense authority established by interstate compact pursuant to section 201(g) of the Act.

(m) *Necessary and essential civil defense expenses.* Necessary and essential civil defense expenses are those required for the proper and efficient administration of the civil defense program of a grantee or a subgrantee as described in a State administrative plan and program papers approved by the Regional Director as being consistent with the national plan for civil defense and as meeting other requirements for civil defense plans prescribed by or under provisions of the Federal Civil Defense Act of 1950, as amended.

(n) *OMB Circular A–102.* Uniform administrative requirements for grants-in-aid to State and local governments, promulgated by the Office of Management and Budget, Executive Office of the President of the United States (42 FR 45828, 9–12–77) including amendments or revisions as published in the **Federal Register.**

(o) *Operational plans.* Operational plans are part of the State administrative plan. They identify the available personnel, equipment, facilities, supplies, and other resources and provide for coordinated operations to be taken throughout the State in the event of an attack.

(p) *Personnel expenses.* Necessary and essential civil defense expenses for personnel on the approved staffing pattern of a grantee or subgrantee (including but not necessarily limited to salaries, wages, and supplementary compensation and fringe benefits) for such employees appointed in accordance with State and local government laws and regulations under a system which meets Federal merit system and other applicable Federal requirements. Such expenses must be supported by job descriptions, payrolls, time distribution records, and other documentation as detailed in CPG 1–3. Personnel compensation and other costs incurred with regard to employees who are not on the civil defense staff but whose work serves the civil defense agency (e.g., State's budget and accounting office) may be charged as civil defense expense to the extent

covered therefor in a Federally approved indirect cost allocation plan.

(q) *Political subdivisions.* Local governments, including but not limited to cities, towns, incorporated communities, counties, parishes, and townships.

(r) *Program papers.* Formal identification of specific actions to be accomplished by a State and its political subdivisions during the fiscal year for which Federal funds are being requested by the State. Submission is made to the grantor agency on its prescribed forms which are available through the Regional Directors. (See paragraph (h)(1) of this section).

(s) *Regional Director.* An official of the grantor agency delegated authority to exercise specified functions under the Act, including certain financial contributions program functions as they apply to grantees and subgrantees, within the geographical area of a particular region as identified (including address) in 32 CFR Part 1800, Appendix A.

(t) *Risk area.* An area identified by the grantor agency as one which, in the event of nuclear attack, is relatively more likely to experience direct weapons effects (blast heat and initial radiation) or high fallout without blast effects.

(u) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Government of the Northern Mariana Islands, the territories of American Samoa, Guam, and the Virgin Islands, and interstate civil defense authorities.

(v) *State administrative plan.* A one-time submission with periodic amendments to keep it current, the plan is a formal description of each participating State's total civil defense program and of related State and local laws, executive directives, rules, plans and procedures, including personnel standards administered on a merit basis, operational plans, travel regulations, indirect cost allocation plans, and other information necessary to reflect the total civil defense program throughout the State. The plan also includes without limitation documentation as to administrative and financial systems to assure compliance with uniform grant-in-aid administrative requirements for States and subgrantees as required under OMB Circular A–102 and such other elements as may be required to determine the eligibility of the State and its political subdivisions for participation in financial assistance programs for civil defense purposes. Detailed requirements are prescribed in CPG 1–3. (Also see § 1807.006).

(w) *Subgrantee.* A political subdivision of a State listed in the State's annual submission as approved by the grantor agency (including any grantor agency approved amendments thereto) as eligible to receive a portion of the Federal financial contribution provided for use within the State.

§ 1807.003 Incorporation of CPG 1–3.

In order to reduce substantially the volume of material published in the **Federal Register** it is considered appropriate to incorporate by reference Chapters One and Two together with Appendices A through Q of CPG 1–3, as amended by Change 1, March 1977; Change 2, October 1977; and Change 3, September 1979. Appendices A through O cover the same subjects as Attachments A through O of OMB Circular A–102, in the same order. Appendix P contains the cost principles prescribed in FMC 74–4. Appendix Q sets forth details regarding merit standards for systems of personnel administration as adopted under § 1807.009

§ 1807.004 Allocation.

(a) The entire amount of the appropriation by the Congress for the purposes of this program for each fiscal year shall be allocated among all the States by the Director. The allocation made to each State represents the total amount of funds available to pay the Federal share of necessary and essential civil defense personnel and administrative expenses of the State and its participating subdivisions during the fiscal year.

(b) Initial discussion with States will begin with the availability of information concerning the amount of funds included for the program in the President's budget request to Congress. For initial planning purposes only, each State will be informed of a preliminary budget allocation figure by the regional Director.

(c) The first calculation for developing the preliminary budget allocation will be a formula distribution made by applying the following criteria:

(1) There shall be established a basic amount which shall be the same for each State: $25,000.

(2) An additional amount shall be calculated for each State by applying the following percentage formula to the total sum in the appropriation request less the total of the basic amounts established for the States:

(i) One-third weight shall be given to the risk areas, which is measured by the ratio of the risk area population of each State to the national total of such population.

(ii) Two-ninths weight shall be given to the criticality of host areas, which is measured by the ratio of the host area population of each State to the national total of such population.

(iii) One-ninth weight shall be given to population, which is measured by the ratio of the total population of each State to the national population.

(iv) One-third weight shall be given to the state of development as follows:

(A) One-sixth weight shall be given to Nuclear Civil Protection (NCP) complexity factor. It is the ratio of the complexity rating of each State to the sum of such ratings for all States. The factor is a number between 1 and 5 assigned to each State; 1 indicating the least complexity and 5 the greatest. The assigned factors represent largely subjective judgment concerning the relative difficulty likely to be experienced in NCP planning due to the geography, the number of projects, the number of evacuees from outside the State that will have to be hosted, the hosting ratio that will have to be used, and the availability or non-availability of fallout shelter space.

(B) One-sixth weight shall be given to the complexity factor in each State (as compared to the sum for all States) of: shelter plans, direction and control, warning, radiological defense, emergency public information, and emergency services expressed as percent of completion, times the population ratio.

(3) The sum of the basic amount and the additional amount for each State shall constitute its formula distribution.

(d) The formula distribution shall be reviewed and evaluated by the Director for the purpose of arriving at the preliminary budget allocation. In making the review and evaluation the Director shall consider the current situation in the State using the following six factors.

(1) The ability of the State and its subgrantees to expend such an amount for necessary and essential civil defense personnel and administrative purposes. Past performance is a factor in this determination.

(2) Special circumstances existing in the State at the time of allocation which require unusual expenditures for civil defense.

(3) Conditions peculiar to the State which make strict application of mathmatical formula inequitable either to that State or other States.

(4) The relative cost of civil defense personnel and administrative services in that State; that is, whether such costs are considerably above or below the

national average for similar services and expenses.

(5) Substantial changes in the civil defense readiness of the State not reflected by its recent civil defense expenditures.

(6) Any situation where allocation to the State of an amount approximately equivalent to the basic amount would be disproportionate because the State is sparsely populated.

(e) On or about September 1 of each year, the Director will make a tentative allocation to the States including accommodation for funds from States which have indicated they will not be using the total of the preliminary budget allocation. States can then revise their earlier plans which should more nearly reflect the level of funding expected to become available.

(f) By September 30 (or as soon thereafter as feasible) of each year the Director will make a formal allocation based on, or subject to, appropriation by Congress and allotment of the funds.

§ 1807.005 Reallocation.

(a) In the event a State fails to submit (within sixty days after notification of its formal allocation) an annual submission approvable under the criteria prescribed therefor by the regulations in this part and by CPG 1–3, the Director may reallocate that State's share of the funds or portions thereof among the other States in such amounts as in the Director's judgment will best assure adequate development of the civil defense capability of the Nation.

(b) In addition, the Director may from time to time reallocate the amounts released or withdrawn from any allocation as no longer being required for utilization by the State in accordance with the annual submission or State administrative plan approved by the Regional Director as meeting criteria prescribed by the regulations in this part and by CPG 1–3.

§ 1807.006 State plans and annual submissions.

In order to be eligible for Federal financial contributions under the regulations in this part, each State must have on file with the grantor agency a current State administrative plan for civil defense and an annual submission (including program papers, if not previously submitted) which have been approved by the Regional Director as being consistent with the national plan for civil defense and as meeting the requirements of the regulations in this part and of CPG 1–3.

(a) *State administrative plans.* (1) Regional Directors are not authorized to approve any State administrative plan unless it meets all of the following criteria:

(i) Provides for and is, pursuant to State law, in effect in all political subdivisions of the State, mandatory on them and, unless waived by the Director under section 204 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4214), is administered or supervised by a single State agency. In demonstrating that the State administrative plan for civil defense is in effect in all political subdivisions of the State and mandatory on them, the plan shall contain references to the applicable State statutes and local ordinances, executive orders and directives, rules and regulations, at the State and local level which establish the civil defense authority, structure, plans, and procedures, including those relating to emergency operations, throughout the State.

(ii) Provides that the State shall match (50/50) the financial assistance provided by the Federal government under this part with funds from any source consistent with State law, but not from another Federal source unless Federal law specifically authorizes the use of funds from such Federal source as part of the State's share.

(iii) Provides for the development of State and local government civil defense operational plans pursuant to the standards approved by the Director.

(iv) Provides for the employment by the State of a full-time civil defense director or deputy director.

(v) Provides for the establishment and maintenance of methods of personnel administration in public agencies administering or supervising the administration of the civil defense program, at both the State and local government levels in conformity with the Standards for a Merit System of Personnel Administration, (5 CFR Part 900) which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91–648, § 2, 84 Stat. 1909) prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended.

(vi) Provides for the establishment of safeguards to prohibit State and local government employees from using their positions for a purpose that is or gives the appearance of being motivated by desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

(vii) Provides that the State shall make such reports (including without limitation, financial reports) in such form and content as the Director may require.

(viii) Provides that the State and all subgrantees shall retain in accordance with Appendix C of CPG 1–3 (also see Attachment C of OMB Circular A–102) and make available to duly authorized representatives of the Director and the U.S. Comptroller General all books, records, and papers pertinent to the grant program for the purpose of making audits, examinations, excerpts, and transcripts necessary to conduct audits.

(ix) Provides for establishment and maintenance of a financial management system of grant-supported activities of the State and all subgrantees which meets the Federally prescribed Standards promulgated in Appendix G of CPG 1–3, "Standards for Grantee Financial Management Systems" (also see Attachment G of OMB Circular No. A–102).

(x) Provides for establishment and maintenance of procedures for monitoring and reporting grant program and project performance of the State and its subgrantees which meet the Federally prescribed standards promulgated in Appendix I of CPG 1–3 (also see Attachment I of OMB Circular No. A–102).

(xi) Provides for the establishment and maintenance at the State level and by subgrantees of property management systems in accordance with the Federally prescribed standards set forth in Appendix N of CPG 1–3 (also see Attachment N of OMB Circular No. A–102).

(xii) Provides for the establishment and maintenance at the State level and by subgrantees of systems for the procurement of supplies, equipment, construction, and other services, with the assistance of grant funds, in accordance with Federally prescribed standards set forth in Appendix O of CPG 1–3 (also see Attachment O of OMB Circular A–102).

(xiii) Provides for disbursement of the appropriate share of the Federal grant to the State's subgrantees in accordance with requirements detailed in CPG 1–3.

(xiv) Provides for the State's supervision and review of the civil defense plans, programs, and operations of its subgrantees to obtain conformity and compliance with Federal requirements and goals set forth or referenced in the regulations in this part and as detailed in CPG 1–3.

(xv) Contains a Statement of Compliance with grantor agency regulations under Title VI of the Civil Rights Act of 1964 including methods of administration which will be followed in order to conduct the civil defense

program in accordance with Title VI of the Civil Rights Act of 1964 and the grantor agency regulations (see 32 CFR 1811.5(d) and CPG 1–9, "Non-Discrimination in Federally Assisted Programs of the Defense Civil Preparedness Agency").

(xvi) Provides for timely submission, to the appropriate Regional Director, of amendments to the administrative plan as necessary to reflect the current laws, regulations, criteria, plans, methods, practices, and procedures for administration of the State's civil defense program and those of its subgrantees.

(xvii) Conforms to other Federal standards and requirements set forth or referenced in the regulations in this part and as detailed in CPG 1–3.

(2) As a part of its State administrative plan each participating State shall have an emergency operational plan approved by the Regional Director as complying with the criteria therefor set forth in this part and in CPG 1–3, which provides for coordinated actions to be undertaken throughout the State when the attack-caused emergencies occur. Included are the basic operational plans of the State and the operational plans for each department of the State government which has an emergency mission. In addition, each subgrantee shall have a local operational plan which conforms with the criteria therefor set forth in CPG 1–3 and CPG 1–5 "Standards for Local Civil Preparedness" and which has been approved by the chief local executive or other authorized official and accepted by the Governor or other authorized State official as being consistent with the State's operational plan.

(3) It is not required that the State administrative plan be resubmitted annually. The State shall submit amendments to the State administrative plan as necessary to reflect the current status in accordance with the procedures prescribed in CPG 1–3. Such amendments shall be reviewed by the Regional Director, who will advise the State in writing as to the effect, if any, the changes will have on the continued eligibility of the State and its subgrantees.

(b) *Annual submissions.* In order to participate for a particular Federal fiscal year, each State must, within 60 days of receipt of notice of a formal allocation made pursuant to the criteria set forth in § 1807.004 and in accordance with procedures and criteria specified in CPG 1–3 (including the requirement of a 45-day period for comment by the Governor) submit to the Regional Director an approvable annual submission which includes:

(1) A request, on the forms prescribed by the grantor agency (DCPA Forms 234, Aug. 1976, and 234–1A Jan. 73), for a Federal financial contribution in a specified amount for civil defense personnel and administrative expenses;

(2) Unless previously submitted for the particular Federal fiscal year, program papers on forms prescribed by the grantor agency (DCPA Forms 744–2, Aug. 1977, and 744 A, Apr. 1978) for the State and proposed subgrantees;

(3) Staffing patterns (including new or revised job descriptions not previously submitted) on forms prescribed by the grantor agency (DCPA Forms 751, Sep. 1972, and 2341, May 1978) for the civil defense organizations of the State and proposed subgrantees, and

(4) Any amendments to the State administrative plan required to reflect current status.

(c) *Approval of State administrative plan and annual submission.* If the State administrative plan and the annual submission are determined to be approvable, the Regional Director will so notify the State in writing. The State administrative plan is a one-time submission. Unless amendments are necessary to meet Federal standards prescribed in the regulations in this part or in CPG 1–3, or to reflect changes in the State's administrative structure, procedures, criteria, or activities, unless a portion was conditionally approved by the Regional Director as provided for in paragraph (d) of this section, no approval regarding the State administrative plan will be required for a State which participated for the preceding Federal fiscal year.

(d) *Disapproval or conditional approval of State administrative plan or annual submission.* If a State's administrative plan or annual submission is disapproved, the Regional Director will advise the State in writing, including the reasons for such disapproval and the revisions required for approval. The State shall have 30 days from date of such notification in which to submit its revisions. In the event more time is required in which to place the revisions into effect, the Regional Director may conditionally approve the State administrative plan or annual submission subject to the specified conditions to be met within a specified time, as agreed by the State and the grantor agency.

(e) *Appeals.* Appeal from a Regional Director's disapproval of a State administrative plan or an annual submission may be made by letter to the Director, signed by an authorized State official and submitted through the Regional Director. Such appeal letter shall be mailed or otherwise transmitted so as to reach the Regional Director within 15 days after receipt of the notification of disapproval. Failure to timely file its appeal may result in the State's allocation being withdrawn and the proposed funding reallocated by the Director. Upon receipt of such an appeal the Regional Director shall forthwith forward the letter, together with all available pertinent documentation from the Regional Director's files and any additional documentation submitted by the State in support of its appeal, to the Director for review and determination. The appeal shall contain all of the exceptions being taken by the State, and no exceptions will be determined piecemeal. No portion of the appellant State's allocation will be reallocated pending determination of its appeal by the Director. The State will be notified in writing of the Director's decision, including a statement of the reasons therefor.

§ 1807.007 Agreement for contributions.

Approval, pursuant to procedures and criteria described in this part and in CPG 1–3 of an annual submission of a State whose administrative plan is approved and current shall constitute agreement between the grantor agency and the State as grantee for its participation and that of its subgrantees in the programs of Federal financial contributions (50%) for necessary and essential civil defense personnel and administrative expenses during the Federal fiscal year covered by the approved annual submission on the basis of the requirements and conditions prescribed in this part, in CPG 1–3 and in other Federally promulgated criteria referenced in this part. Refusal or failure to comply with such requirements and conditions may result in the grantor agency cancelling, terminating, or suspending the grant, in whole or in part, and refraining from extending any further assistance to the grantee or subgrantee until satisfactory assurance of future compliance has been received. (See § 1807.012(1)(5) and 32 CFR Part 1803).

§ 1807.008 Fiscal year limitation.

Federal appropriations for the program covered by the regulations in this part are limited for obligation on a Federal fiscal year basis. Each annual submission, and each amendment thereto, which results in a change in scope (e.g. an increase in the amount of funds other than a cost overrum) must be approved during the Federal fiscal

year for which the funds to be charged were appropriated. Expenses incurred by a State or its subgrantee prior to the availability of the current Federal appropriation to be charged (even though they would have been allowable if incurred thereafter), do not qualify for payment of a Federal financial contribution out of such current appropriation.

§ 1807.009 Merit personnel systems.

(a) *Background.* Section 208 of the Intergovernmental Personnel Act, as amended (42 U.S.C. 4728) authorizes Federal agencies to require, as a condition of participation in Federal assistance programs, systems of a personnel administration consistent with personnel standards prescribed by the Office of Personnel Management (OPM). OPM has promulgated Standards for a System of Personnel Administration (5 CFR Part 900; 44 FR 10238), which prescribe intergovernmental personnel standards on a merit basis for application, as a condition of eligibility, in the administration of grant programs. OPM has approved the adoption made by the regulations in this part.

(b) *Adoption.* Participation by each grantee and each subgrantee under the program covered in this part is subject to compliance with the following conditions regarding merit personnel systems:

Methods of personnel administration will be established and maintained in public agencies administering the civil defense program in conformity with the Standards for a Merit System of Personnel Administration 5 CFR Part 900, which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91–648 Section 2, 84 Stat. 1909) prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended.

Section 1807.006(a)(1)(i)(v) of this part provides, in part, that State administrative plans which fail to provide for fulfilling this condition are not approvable.

(42 U.S.C. 4728; 5 CFR Part 900; 44 FR 10238.)

§ 1807.010 Use of funds, materials, supplies, equipment and personel.

Financial contributions provided under the authority of Section 205 of the Act are provided for necessary and essential State and local civil defense personnel and administrative expenses as prescribed by the regulations in this part and the provisions of CPG 1–3, and are obligated only on the basis of documentation justifying such need therefor. In addition to such civil defense use, Federal funds obligated under a grantee's approved annual submission may be used, to the extent and under such terms and conditions as prescribed by the Director in CPG 1–3, for providing emergency assistance, including the use of civil defense personnel, orgnizational equipment, materials, and facilities, in any area of the United States which suffers a disaster other than a disaster caused by enemy attack.

§ 1807.011 Cost principles.

(a) *General.* FMC 74–4 establishes principles and standards for determining costs applicable to grants to State and local governments. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal or State and local financing of a particular program or project. The principles do not apply to the extent they are restricted or prohibited by law. Attachment A of FMC 74–4 sets forth standards for allowability of particular items of cost. Both attachments of FMC 74–4 are set forth as Appendix P of CPG 1–3. Items of allowable and unallowable costs are listed. In addition, there are listed items of costs for which the prior written consent of the grantor agency is required.

(b) *Types of costs allowable only on approval of the grantor agency.* The types of costs set forth in this paragraph are allowable only upon the approval of the grantor agency. Specific inclusion of such type costs in an indirect cost proposal approved by the responsible Federal agency in accordance with the requirements of FMC 74–4 (Appendix P of CPG 1–3) shall constitute grantor agency approval of such costs as indirect costs, only to the extent that such costs are eligible under criteria contained in the regulations in this part and in CPG 1–3. Approval of such type costs by the grantor agency as direct costs shall be as prescribed in this section. When prior approval on a case basis is required, the determination shall be made by the Regional Director on the basis of the criteria contained in the regulations in this part, CPG 1–3, and the criteria set forth in other federally promulgated regulations referenced in this part.

(1) *Automatic data processing (ADP) equipment.* It is not expected that the civil defense agency of a grantee or subgrantee will have sufficient need of automatic data processing (ADP) equipment to warrant the purchase or rental of ADP equipment for full-time civil defense needs. In requesting approval of the cost ADP service (whether for rental or for depreciation on equipment owned by the grantee or a subgrantee) such costs may be approved only on the basis of a Federally approved cost allocation plan covering such costs.

(2) *Building space and related facilities.*—(i) *General.* The rental cost of space in a privately owned building and depreciation and use allowances on publicly owned buildings are allowable expenses. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space for civil defense use may not be charged to the program covered by the regulations in this part for periods of non-occupancy.

(ii) *Requirements for EOC occupancy.* Under Section 201(i) of the Act, the grantor agency contributes up to one-half of certain costs incurred by a grantee or subgrantee in installing an emergency operating center (EOC) within existing building space or in space being provided by construction of a new building. The grantor agency does not contribute toward the construction of the building except for items necessary to convert a basic shell area into a functioning EOC. One of the requirements for approval of such grant projects is the agreement of the grantee or its subgrantee for regular occupancy of the EOC by its civil defense agency on a daily basis during normal business hours. The grantor agency will not contribute toward the cost of rent, depreciation, or use allowances for civil defense office space if an EOC has been obtained by the grantee or subgrantee, with the assistance of a grant under section 201(i) of the Act or other Federal funding. An exception may be granted by the grantor agency only upon the grantee's demonstration that its occupancy of the particular EOC, or that of its subgrantee, for day-to-day civil defense administration is not feasible (e.g., due to the EOC's being an unreasonable distance from the site of the State or local department of which civil defense is a part and/or that the EOC does not have sufficient capacity to accommodate the civil defense agency for its daily functions.)

(iii) *Depreciation and use allowances.* Depreciation and use allowances, in lieu of depreciation, for use of publicly owned buildings are allowable expenses. The computation of depreciation and use allowances will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal government through charges to

Federal grant programs or otherwise. For example, in arriving at the cost of occupancy of EOC space by a grantee's or subgrantee's civil defense agency, the portion of the space covered by the EOC contribution shall be excluded. Except to the extent the grantee or subgrantee, as the case may be, can document that the charge is not based upon costs covered by the EOC contribution, no contribution will be made under the program covered by the regulations in this part for depreciation, or a use allowance for space in an EOC.

(3) *Capital expenditures.* The cost of rearrangement and alteration of office space, furniture, furnishings, office equipment, other capital assets, and repairs which materially increase the value of useful life of capital assets is an allowable expense. When assets acquired with Federal grant funds are:

(i) Sold,

(ii) No longer available for use in a federally sponsored program, or

(iii) Used for purposes not authorized by the grantor agency, the grantor agency's one-half interest in the fair market value of the asset will be refunded. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable. (See Appendix N of CPG 1–3 and Attachment N of OMB Circular A–102). Specific approval of the grantor agency, on a case basis is required for construction projects. (See paragraph (m) of §§ 1807.012 and 1807.014.

(4) *Insurance and indemnification.* In addition to employees' benefits in the form of the grantee's or subgrantee's payments as employer toward social security, employees' life and health insurance plans, unemployment insurance, and workmen's compensation insurance, the cost of other insurance in connection with the general conduct of civil defense activities is allowable subject to the following limitations:

(i) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(ii) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal government property is unallowable except to the extent that the grantor agency has specifically required or approved such costs on a case basis. Contributions to a reserve for a self-insurance program approved by the grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rate and premiums would have been allowed had insurance been purchased to cover the risks. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable. For example, the grantor agency will not contribute toward securing the grantee or subgrantee against libilities to third persons and other losses not compensated by insurance or an approved self-insurance program or otherwise. Minor losses not covered by insurance, such as breakage and disappearance of small hand tools and office items and supplies which occur in the ordinary course of civil defense program administration will be accommodated by a contribution toward the cost of replacement or repair of the missing or damaged item.

(5) *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not othewise included in rental or other charges for space.

(6) *Management studies.* The cost of management studies to improve the effectiveness and efficiency of management for ongoing civil defense programs is an allowable expense except that the cost of studies performed by agencies other than the grantee's or subgrantee's civil defense office or outside consultants is allowable only when and as approved on a case basis by the grantor agency.

(7) *Professional services.* The cost of professional services rendered by individuals or organizations not a part of the grantee's or subgrantee's civil defense department is an allowable expense only when and as approved on a case basis by the grantor agency.

(8) *Proposal costs.* Cost of preparing proposals on potential civil defense grant projects are allowable.

§ 1807.012 Implemenstation of OMB Circular A–102.

This section implements OMB circular A–102. The circular shall be complied with unless an exception is specifically referred to in this part or is otherwise clearly discernible from the text. The provisions prescribed by attachments to the Circular are contained in the Appendices to CPG 1–3 and are incorporated by reference in the regulations contained in this part.

(a) *Cash depositories*—(1) *Advanced funds.* Attachment A of OMB Cirular A–102 (Appendix A of CPG 1–3) sets forth standards governing the use of banks and other institutions as depositories of funds advanced under grants. (See § 1807.012(j) on grant payments). Under the standards, moneys advanced by letter-of-credit to a grantee for its own use or for an advance to a subgrantee must be deposited in a separate account and, regardless of the use of the letter-of-credit procedure, moneys advanced must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

(2) *Minority owned banks.* Consistent with the national goal of expanding the opportunties for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 per cent by minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, D.C. 20230.

(b) *Bonding and insurance.* Attachment B of OMB Circular A–102 (Appendix B of CPG 1–3) sets forth bonding and insurance requirements for grants. They pertain to contracting and to subcontracting by a grantee or subgrantee for construction or facility improvements. The grantee or subgrantee may follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000, in which case the grantee shall request approval for use of its own or subgrantee's requirements to adequately protect the Federal government's interest. The minimum requirements shall include a bid guarantee from each bidder equivalent to five percent of the bid price and a performance bond on the part of the contractor for 100 percent of the contract price. Where bonds are required, they shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223).

(c) *Retention and custodial requirements for records.* Attachment C of OMB Circular A–102 (Apendix C of CPG 1–3) sets forth records retention requirements for grants. The basic requirements are discussed in this paragraph (c) and subparagraphs (1) through (4). Financial records, statistial records, personnel records (including merit system administration), procurement records and all other books, papers, records, and supporting documentation pertinent to the grant shall be retained by the grantee and, as to any subgrant, by the subgrantee, for a period of three years, with the following qualifications:

(1) The retention period starts from the date of submission of the fiscal billing.

(2) If any audit, claim, investigation, or litigation is started before expiration of the three-year period, the retention requirement shall not expire until the grantee is notified by the grantor agency that all such matters have been resolved and that the grantee may dispose of the records.

(3) Upon request of the granter agency for certain records, the grantee will deliver the requested records and documentation to the grantor agency for long-term retention. In case the grantee still has a need for such records, arrangements will be made for copies, including microfilm copying is so desired.

(4) The head of the grantor agency and the Comptroller General of the United States or any of their duly authority representatives shall have access to any pertinent books, documents, papers and records of any grantee or subgrantee in order to make audits, examinations, excerpts and transcripts.

(d) *Waiver of "single" State agency requirements.* Section 205 of the Act requires plans for civil defense of the United States shall be administered or supervised by a single State agency (50 U.S.C. App 2286). Notwithstanding such law, Section 204 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4214) provides authority for the Director as head of the grantor agency upon the State's request to waive the single State agency requirement, and approve other State administrative structure or arrangements upon adequate showing that the requirement prevents the establishment of the most effective and efficient organizational arrangements within the State government. First, however, the Director must have found that the objectives of the Act (50 U.S.C. App 2251–2297) will not be endangered by the use of such other State structure or arrangements. Attachment D of OMB Circular A–102 (Appendix D of CPG 1–3) requires that such requests shall be given expeditious handling by the grantor agency and that, whenever possible, an affirmative response shall be made.

(e) *Program income.* Attachment E of OMB Circular A–102 (Appendix E of CPG 1–3) requires the application by the grantor agency of the standards set forth therein in requiring grantees to account for program income. With the exception of interest earned on advances and proceeds from the sale of property furnished the Federal government or purchased in whole or in part with Federal funds, gross income (such as service fees, sale of commodities, usage or rental fees) earned by the grantee or a subgrantee from activities supported under the grant program in this part shall be

(1) Added to funds committed to the program by the grantor agency and the grantee or subgrantee and shall be used to further civil defense program objectives, or

(2) Upon specific written approval by the grantor agency may be used to finance the non-Federal share of allowable civil defense costs. Grantee and subgrantees shall record the receipt and expenditures of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant program transactions when such revenues are earmarked for its civil defense program. Any interest earned by a subgrantee on advances of Federal funds under the program in this part shall be remitted to the grantor agency. Proceeds from the sale of property, either furnished by the Federal government or procured in whole or in part with Federal funds shall be handled in accordance with Attachment N of OMB Circular A–102, "Property Management standards" (Appendix N of CPG 1–3).

(f) *Matching share.* Attachment F of OMB Circular A–102 (Appendix F of CPG 1–3) sets forth criteria and procedures for the allowability of cash and in-kind contributions made by grantees, subgrantees or third parties in satisfying cost sharing and matching requirements of the grantor agency. The provisions of subparagraphs (1) through (4) of this paragraph are in accord with the criteria and apply as an interpretation of some of the standards of Attachment F of OMB Circular A–102 (Appendix F of CPG 1–3) with respect to their application to the program covered under the regulations in this part:

(1) *Equal matching.* Federal funds provided pursuant to the regulations in this part must be equally matched by the grantee for any non-Federal source determined by the grantee to be consistent with State law. When authorized by Federal statute, Federal funds received from other grants may qualify for use as the grantee's contribution.

(2) *Land.* The value of any land contributed by any grantee or subgrantee (regardless of source) shall be excluded from the grantee's share.

(3) *In-kind contributions.* In-kind contributions repesent the value of non-cash contributions provided by the grantee, its subgrantees or other non-Federal parties. They may be in the form of charges for goods and services directly benefitting and specifically identifiable to the administration of the State and local civil defense program. Values for in-kind contributions will be established at the grantee's actual cost in accordance with FMC 74–4 and Attachment F of OMB Circular A–102 (Appendix F of CPG 1–3).

(4) *Computation.* All costs, whether attributable to cash outlays by the grantee or to in-kind contributions must be attributable to the administration of the civil defense program during the Federal fiscal year to be charged. That is not to say that in all cases the grantee or subgrantee must have made the cash outlay (or received a donation from non-Federal sources) during the grant period. For example, depreciation or use charges may be claimed for the use during the grant period of space in a building which was donated to or procured by the grantee or a subgrantee prior to the Federal fiscal year covered by the grant period. In order to be acceptable as part of the grantee's matching share, costs must meet the following requirements:

(i) Be verifiable from the grantee's records, together with those of any subgrantee;

(ii) Not be included as a contribution under any other Federally-assisted program;

(iii) Fall within the definition of necessary and essential civil defense expenses set forth in paragraph (m) of § 1807.002.

(iv) Be a type of cost allowable under the provisions of FMC 74–4;

(v) Be within the grantee's budget submission approved as a part of its annual submission;

(vi) Conform to the requirements of OMB Circular A–102, CPG 1–3, and provisions of the grantor agency's regulations in Title 32 of the Code of Federal Regulations.

(g) *Standards for grantee financial management systems.* (1) Attachment G of OMB Circular A–102 (Appendix G of CPG 1–3) prescribes standards for grantee's financial management systems. Basic provisions are set forth as paragraph (g)(2) to this section, but for additional details and requirements reference must be made to Attachment G of OMB Circular A–102 (Appendix G of CPG 1–3). Grantees shall require subgrantees to adopt the standards. In the case of subgrantees, reports shall be made through the grantee as a part of its reports.

(2) Grantees and subgrantees must maintain a financial management system which provides for the following:

(i) Accurate, current, and complete disclosure of the financial results of each grant made under the Act in accordance with the reporting

requirements set forth in Attachment H of OMB Circular A–102 (Appendix H of CPG 1–3). (Also see paragraph (h) of § 1807.012).

(ii) Records that identify adequately the source and application of funds for grant-supported activities, including information pertaining to Federal awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income.

(iii) Effective control over and accountability for all funds, property, and other assets. Grantees and subgrantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(iv) Comparison of actual outlays with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

(v) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury as close as possible to the time of making the disbursements.

(vi) Procedures for determining reasonableness, allowability and allocability of costs in accordance with the provisions of FMC 74–4.

(vii) Accounting records that are supported by source documentation.

(viii) Examinations in the form of audits or internal audits. Such audits should be made in accordance with generally accepted auditing standards including the standards published by the U.S. General Accounting Office, "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions". In addition, the examinations must comply with the requirements set forth in Attachment G of OMB Circular A–102 (Appendix G of CPG 1–3).

(ix) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(h) *Financial reporting requirements.* Attachment H of OMB Circular A–102 (Appendix H of CPG 1–3) prescribes uniform reporting procedures for grantees. Grantees are required to use the standardized Financial Status Report prescribed by the Office of Management and Budget (Approval No. 80–R0180) in Attachment H to OMB Circular A–102 (Appendix H of CPG 1–3) to report on the cash basis the status of funds for all nonconstruction projects and programs. The Financial Status Report shall be submitted to cover a complete Federal fiscal year within ninety days after the end thereof (by December 29th). Extensions to this reporting due date may be permitted by the grantor agency upon a showing of need therefor by the grantee. For the complete requirements, grantees are referred to Attachment H of OMB Circular A–102 (Appendix H of CPG–1–3).

(i) *Monitoring and reporting program performance.* Attachment I of OMB Circular A–102 (Appendix I of CPG 1–3) prescribes procedures for monitoring and reporting program performance under Federal grants.

(1) *Monitoring.* In order to assure that performance goals are being met, each grantee shall constantly monitor its performance and that of its subgrantees and in addition, each subgrantee shall monitor its own performance as to each program, function and activity as set forth in the approved program papers.

(2) *Reporting.* Performance reports shall be submitted to grantor agency in the form, content and within the time frames set forth therefor in CPG 1–3. The CPG 1–3 provisions are in accordance with the requirements of Attachment I of OMB Circular A–102 (Appendix I of CPG 1–3). Performance reports shall briefly present the following:

(i) A comparison of actual accomplishments to the goals established for the Federal fiscal year involved; (where the output can be readily quantified, such quantitative data should be related to cost data for computation of unit costs).

(ii) If established goals were not met, the reasons for such failure;

(iii) Any other pertinent information, including, when appropriate, an analysis and explanation of cost overruns or high unit costs.

(3) *Unexpected developments.* Between performance reporting dates, events may occur which have significant impact upon the programs, or a particular project thereof. In such case, the grantee shall inform the grantor agency as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(4) *Budget revision.* If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in Attachment K of OMB Circular A–102 (Appendix K of CPG 1–3), the grantee shall submit a request for budget revision. (Also see paragraph (k) of this section).

(j) *Grant payment requirements.* Attachment J of OMB Circular A–102 (Appendix J of CPG 1–3) establishes required methods of making payments to grantees. Grant payments are made to grantees through an advance by Treasury check (before payments are made by the grantee) by letter-of-credit, or through reimbursement by Treasury check. Procedures have been promulgated by the grantor agency in CPG 1–3 in accordance with requirements of OMB Circular A–102 and requirements of the U.S. Department of Treasury.

(1) *Advances.* In order to qualify for an advance the grantee must demonstrate:

(i) Its willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds to the grantee and their disbursement for payment of obligations of the grantee or subgrantee; and

(ii) That its financial management system meets the standards for fund control and accountability prescribed in Appendix G of CPG 1–3 (Attachment G of OMB Circular A–102). Advanced funds must be separately identified and properly accounted for as Federal funds in the fund accounts of the grantee, and, where applicable, its subgrantees. Advances made by a grantee to a subgrantee shall conform to the same standards as provided in this part and in the grantor agency procedures for advances to the grantee. The requirements prescribed or referenced in this part regarding records retention and access for audit and examination pertaining to contributions apply also to books, documents, papers, and records pertinent to an advance of Federal funds. Neither the grantee nor any of its subgrantees shall accumulate Federal funds beyond the amounts needed for immediate disbursement. Unlike the grantee, subgrantees are required to return to the Federal government any interest earned on advances. Proper use of the advance procedure should preclude the accrual of interest on funds drawn by any grantee or subgrantee.

Failure to observe the time and amount limitations on drawdowns or to meet the reporting requirements established by the grantor agency may result in revocation of the unobligated portion of any letter-of-credit or denial of subsequent requests for an advance, or both.

(A) *Advances by letter-of-credit.* A grantee with an approved Federal funding request of $120,000 or more and meeting the requirements for an advance, for the Federal fiscal year may obtain cash advances of Federal contributions only by drawing payment vouchers against letters-of-credit in accordance with procedures established by the grantor agency. Each drawdown on a letter-of-credit shall be initiated at approximately the same time that the recipient grantee or its subgrantee is to disburse its funds in payment of eligible civil defense personnel and administrative expenses and shall be in amount not greater than that required to cover the Federal share of such imminent disbursement. A separate account in a bank with Federal Deposit Insurance coverage with the balance exceeding the FDIC coverage being collaterally secured is required in order for the grantee to draw on the U.S. Treasury when the grantee's checks are presented to its bank for payment. In order to be consistent with the national goal of expanding opportunities for minority business enterprises, it is requested that grantees and subgrantees use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, D.C. 20230. Procedures for advances by letter-of-credit are prescribed in Chapter Two of CPG 1–3 and in the grantor agency's manual entitled "Letter of Credit Procedures".

(B) *Advances by Treasury check.* Provided it meets the requirements for an advance, a grantee whose approved Federal funding for the fiscal year is not sufficient in amount to qualify for use of the letter-of-credit process or an insular area receiving consolidated grant under the provisions of Part 1804 of this title may obtain advance payments by Treasury check either upon specific request or under predetermined payment schedules. Procedures for advances by Treasury check are prescribed in Chapter Two of CPG 1–3.

(2) *Reimbursement by Treasury check.* Procedures for reimbursement are prescribed in Chapter Two of CPG 1–3. Payment will be made within thirty days of receipt of each quarterly billing, unless the billing contains unallowable items or is otherwise improper.

(3) *Withholding payment.* When, after reasonable notice and opportunity for hearing the Director finds that there is a failure to expend funds in accordance with the regulations in this part, or other regulations, terms, and conditions established by or under the Act for approved civil defense plans, programs, or projects, the grantee will be notified that further payments will not be made to the grantee from appropriations under the Act (or from funds otherwise available for the purposes of the Act for any approved plan, program, or project with respect to which there is failure to comply) until the Director is satisfied that there will no longer be any such failure. Until so satisfied, the Director shall either withhold the payment of any financial contribution to such grantee or limit payments to those projects or programs with respect to which there is substantial compliance. Procedures for such withholding of payments, including notice and hearing, are set forth in Part 1803 of this title.

(k) *Budget revision procedures.* The procedures set forth in this paragraph, and as detailed in CPG 1–3, are in accordance with the requirements of attachment K of OMB Circular A–102 (Appendix K of CPG 1–3). The grant budget as used in this part means the grantee's financial plan, covering it and all subgrantees for both the Federal and non-Federal share) to carry out the program covered in this part, as approved in the grantee's annual submission. Funding requested for projects involving construction in excess of $2,000 must be separately identified. No transfer may be permitted which would cause any Federal appropriation or part thereof to be used for purposes other than those intended.

(1) *Nonconstruction objectives.* The grantee shall request prior approval by the grantor agency when there is reason to believe that a revision will be necessary for one of the following reasons:

(i) Changes in the scope or the objective of the grant-supported program.

(ii) The need for additional Federal funding.

(iii) The transfer of amounts budgeted for indirect costs to absorb increases in direct costs.

(iv) The addition of items requiring approval in accordance with the provisions of FMC 74–4.

(v) The grantee or a subgrantee plans to transfer funds allotted for training allowances (direct payments to trainees) to other categories of expense.

(vi) The Federal share of the grantee's budget exceeds $100,000 and the cumulative amount transferred for the then current Federal fiscal year exceeds or is expected to exceed five percent of the total approved budget for the program.

(2) *Construction grants.* When construction work in excess of $2,000 is to be covered under the program in this part, a separate approval must be submitted on grantor agency project application forms (construction) meeting the requirements of Appendix M of CPG 1–3 (Attachment M of OMB Circular A–102). No amounts may be transferred from a nonconstruction budget account to a construction budget account, or vice versa, without the prior approval of the grantor agency. In addition, the grantee shall request prior approval by the grantor agency whenever the revision results from changes in the scope or objective of the project.

(3) *Notification of excess funds.* The grantee shall notify the grantor agency promptly whenever the amount of its allocation is expected to exceed its actual needs (including those of subgrantees) by more than $5,000 or five percent (5%) of its allocation, whichever is greater.

(4) *Forms and procedures.* Approval for budget revisions shall be requested on the budget forms (DCPA Forms 234, 234–1, and 234–1A) used in the grantee's annual submission unless the revision involves construction in excess of $2,000 (see paragraph (k)(2) of this section). Within thirty (30) days of receipt of the request for budget revision, the grantor agency will review the request and notify the grantee of the grantor agency's decision, or as to the date a decision may be expected. In order to assure compliance with fiscal year limitations, requests should be submitted in time for receipt by the grantor agency at least 30 days prior to the end of the then current Federal fiscal year.

(l) *Grant closeout procedures.* Attachment L of OMB Circular A–102 (Appendix L of CPG 1–3) prescribes uniform closeout procedures for grantees. The procedures as set forth in this paragraph and as detailed in CPG 1–3 are in accordance with the requirements of Attachment L of OMB Circular A–102 (Appendix L of CPG 1–3).

(1) *Fiscal period.* Grants under the regulations in this part are made on a Federal fiscal year basis and run from October 1 of the calendar year in which the appropriation is allocated to September 30 of the following calendar year.

(2) *Billings.* Grantees, shall submit billings on grantor agency prescribed forms within thirty (30) days after the end of the Federal fiscal quarter. If the grantee has received an advance of Federal funds for itself or any subgrantee, the billing will be applied against the outstanding advance. The grantee shall immediately refund any balance of unobligated (unencumbered) cash advanced to the grantee (including sums advanced to a subgrantee). The grantor agency will make prompt payment to the grantee for remaining allowable, reimbursable costs due under the grant.

(3) *Reports.* Unless an extension has been given in writing by the grantor agency, the grantee shall submit, within ninety days of the end of the grant period (i.e., by December 30) all financial, performance, and other reports required under the terms of the grant.

(4) *Property.* The grantee shall account for property acquired with the assistance of grant funds in accordance with the provisions of Appendix L of CPG 1–3 (Attachment N of OMB Circular A–102). Thus the grantee shall report to the grantor agency on each instance of the following:

(i) Any proposed non-civil defense use or any disposal proposed to be made of property acquired with the assistance of grant funds under the program covered in this part,

(ii) As to any subgrantee which will not be participating in the program for the balance of the current Federal fiscal year or succeeding Federal fiscal year, and,

(iii) In addition, a report as to such property obtained by the grantee in the event the grantee is not participating for the new Federal fiscal year.

(5) *Termination for cause.* The Director may terminate any grant in whole or in part, at any time prior to the end of the then current Federal fiscal year, whenever it is determined that the grantee has failed to comply with the conditions of the grant. When, after reasonable notice and opportunity for hearing to the grantee (or to the grantee and its subgrantee, as the case may be) the Director finds that there is a failure to expend funds in accordance with the regulations in this part, or other regulations, terms, and conditions established by or under the Act for approved civil defense plans, programs, or projects, he will notify the grantee (or the grantee and its subgrantee, as the case may be) that further payments will not be made for the grantee or any or all subgrantees from appropriations under the Act (or from funds otherwise available for the purposes of the Act for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure. Until he is so satisfied, the Director shall either withhold the payment of any financial contributions to such grantee (for it or any or all subgrantees) or limit payments to those projects or programs with respect to which there is substantial compliance. The procedures for notices, hearings, and the withholding of financial contributions by the Director shall be as prescribed in the regulations of the grantor agency appearing at 32 CFR Part 1803.

(m) *Standard forms for applying for federal assistance.* The program covered in this part is a formula grant program, rather than one for which grants are obtained on a project basis, and basically not subject to the requirements of Attachment M of OMB Circular A–107 (Appendix M of CPG 1–3). However, in the event a grantee on its own behalf or that of a subgrantee, seeks to apply Federal funds provided under the program covered in this part toward the cost of a project involving construction in excess of $2,000; approval of the project is to be requested from the Regional Director, on a form, prescribed by the grantor agency for applications for Federal Assistance for Construction Programs which meets the requirements of Appendix M of CPG 1–3 (Attachment M of OMB Circular A–102). For information regarding various Federal requirements applicable by reason of the construction phase of a project see § 1807.014 and 32 CFR Parts 1808 and 1812.

(n) *Property management standards*—(1) *General.* Attachment N of OMB Circular A–102 (Appendix N of CPG 1–3) prescribes uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds. These standards must be observed by all grantees and subgrantees with regard to all nonexpendable property acquired with the assistance of Federal funds provided under the program covered in this part. Grantees and subgrantees may use their own property management standards and procedures provided that they include the provisions set forth in Appendix N of CPG 1–3. (Attachment N of OMB Circular A–102).

(2) *Summary.*—(i) *Use and disposal.* Included are requirements that tangible nonexpendable personal property acquired by a grantee or subgrantee with the assistance of a Federal financial contribution shall be used by the grantee or subgrantee in the grant program for which it was acquired as long as needed therefor, then for other activities sponsored by the grantor or another Federal agency. Also, when no longer needed for any such purposes, the property may be used or disposed of only as specified by the grantor agency in accordance with the federally prescribed management standards which include provisions for payment of compensation to the grantor agency for its portion of the fair market value of the property. The federally prescribed standards also provide for disposal or nonrestrictive use, upon payment for the Federal share of the fair market value, of property no longer needed for Federal or federally assisted program use.

(ii) *Procedural requirements.* Included without limitation are the procedural requirements set forth in this paragraph.

(A) *Property records.* Accurate property records must be maintained which will identify (including manufacturer's serial number or other identifying number where appropriate) the property obtained from or with the assistance of the Federal Government and details regarding any disposition. The records must also show the program or project for which the property was required; the location, use being made, condition of the property and the date the information was reported.

(B) *Inventory.* A physical inventory shall be taken and the results reconciled with the property records at least once every two years. Quantity discrepancies shall be investigated and fully documented. The grantee, or subgrantee as the case may be, shall, in connection with the inventory, verify the existence, current use, and continued need for the property.

(C) *Control system.* A control system shall be in effect to insure adequate safeguards to prevent the loss, damage, or theft of the property. Any loss, damage, or theft of a property shall be investigated and fully documented. Each suspected theft shall be reported to the appropriate police authority.

(D) *Maintenance.* Adequate maintenance procedures shall be implemented to keep the property in good condition.

(E) *Disposal by sale.* Where the grantee or a subgrantee is authorized or required to sell an item of property, proper sale procedures shall be established to provide competition and to assure the highest return.

(o) *Procurement standards.*—(1) *General.* Attachment O of OMB Circular A–102 (Appendix O of CPG 1–3) provides standards for use by grantees

in establishing procedures for the procurement of supplies, equipment, construction, and other services with the assistance of Federal grant funds. The standards are applicable to grantees and subgrantees under the program covered in this part.

(2) *Summary.*—(i) *Grantee's rules.* Grantees and subgrantees may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with the assistance of Federal financial contributions adhere to the standards set forth in Appendix O of CPG 1–3 (Attachment O of OMB Circular A–102). The Federally prescribed standards do not relieve the grantee or subgrantee of contractual responsibilities arising under its contracts. The Federally prescribed standards include among others, provisions requiring standards of conduct, open and free competition, and minimum procurement procedures.

(ii) *Procedures.* The minimum procedures must contain requirements regarding review by officials, invitations for bids, request for proposals, utilization of small businesses and minority owned businesses, procuring instruments, formal advertising, negotiated procurement, and contract administration.

(iii) *Contract provisions.* Standards regarding contractual provisions and conditions include requirements such as termination clauses, EEO clauses and bid provisions (in accordance with E.O. 11246, E.O. 11375 and U.S. Department of Labor regulations at 41 CFR Parts 60–1 and 60–4), requirements for availability of contractor's records, clauses regarding rights to inventions, and agreement to comply with the Clean Air Act, where applicable.

(iv) *Clauses for construction and repair contracts.* Requirements include the provisions for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented by U.S. Department of Labor regulations appearing at 29 CFR Part 3. Construction contracts, awarded under the program covered in this part, which exceed $2,000 shall include the labor standards clause set forth in Part 1808 of this title. (Also see 29 CFR Part 5.) This clause includes a provision for compliance with Section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) pertaining to overtime. Such contracts, and any other Federally assisted contracts in excess of $2,500 involving the employment of laborers and mechanics, shall include provisions for compliance with section 107 (as well as section 103) of the Work Hours and Safety Standards Act, which prohibit contractors and subcontractors from requiring any laborer or mechanic to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to his/her health or safety as determined under standards promulgated by regulations of the U.S. Secretary of Labor. (Also see § 1807.014 and 32 CFR Part 1812.)

§ 1807.013 Other Federal requirements.

By submission of a request for Federal financial assistance under the program covered in this part, each grantee, on its own behalf and that of its subgrantees, agrees as a condition of the grant to comply with the Federally approved requirements and proscriptions set forth in this section. Refusal or failure to comply may result in the grantor agency cancelling, terminating, or suspending the grant, in whole or in part, and refraining from extending any further assistance to the grantee or subgrantee until satisfactory assurance of future compliance has been received.

(a) *Archeological and historic sites.* Each grantee and subgrantee shall assist the grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.). Without limitation, activities by each grantee in this regard include:

(1) Consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800) by the activity, and notifying the grantor agency of the existence of any such properties; and

(2) Complying with all requirements established by the grantor agency to avoid or mitigate adverse effects upon such properties.

(b) *Environmental protection.* Each grantee and subgrantee shall insure that the facilities under its ownership, lease or supervision which are to be utilized in the accomplishment of the programs covered in this part are not listed on the Environmental Protection Agency's (EPA) list of violating facilities and shall notify the grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

(c) *Flood insurance.* Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234, 87 Stat. 975, approved December 31, 1973, requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified as a special flood hazard area. Costs are not allowable for acquisition or construction, reconstruction, repair or improvement of a building, or for the acquisition or repair of personal prroperty in a building which is located in an identified special flood hazard area unless the assisted property is covered by flood insurance up to the full value of the property or the limit of available flood insurance coverage, whichever is less. Identified special flood hazard areas are areas having special flood hazards as identified by the Federal Emergency Management Agency and published in the **Federal Register.**

(d) *Handicap.* Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112) as amended by Pub. L. 93–516) prohibits discrimination on the basis of handicap in any programs or activities receiving Federal financial assistance.

(e) *Hatch Act.* (5 U.S.C. 1501 et seq.) The Hatch Act prohibits covered State and local officers and employees from engaging in the following activities:

(1) The use of official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office;

(2) Directly or indirectly coercing or attempting to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose; or

(3) Be a candidate for elective public office in a partisan election. An officer or employee of a grantee or subgrantee agency is subject to the Hatch Act if, as a normal and foreseeable incident to his/her principal job or position, he/she performs duties in connection with an activity financed in whole or in part by Federal loans or grants. Certain exceptions are provided both as to types of employment and types of office or candidacy. Grantees and subgrantees must insure compliance on the part of covered employees. The penalty for a violation is removal from employment and a bar on employment in a State or local agency within the same State for a period of 18 months. Failure of a State or local agency to comply may result in withholding of Federal grants up to an amount equal to two years' pay of the employee (see 5 CFR Part 151).

(f) *Nondiscrimination.* (1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) provides that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (See grantor agency regulations at 32 CFR Part 1811 and CPG 1–10.)

(2) The Age Discrimination Act (42 U.S.C. 6101–7) provides that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

(g) *Relocation assistance.* The Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (Pub. L. 91–646) applies to those federally assisted programs or projects conducted by a grantee or its subgrantee which involve the acquisition of real property or cause the displacement of people, businesses, or farm operations. With regard to the requirements applying, it is immaterial whether Federal funds are applied to the cost of the real property. Each grantee and subgrantee agrees not to proceed with any phase of a project which will cause the displacement of any individual, partnership, corporation, or association or the acquisition of any real property without first providing the grantor agency a satisfactory assurance, as required by sections 210 and 305 of Pub. L. 91–646 that fair and reasonable relocation payments and assistance shall be provided to or for displacing persons as required to be provided by a Federal agency under sections 202, 203, and 204 of Pub. L. 91–646, and that within a reasonable period of time prior to displacements, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with Section 205 of Pub. L. 91–646.

§ 1807.014 Projects involving construction.

(a) *Procedures.* In the event a grantee or subgrantee is to apply any portion of the Federal funds provided under the program in this part toward the cost of a project involving construction in excess of $2,000 the grantee must obtain the prior approval of the Regional Director on construction project application forms. (See paragraph (m) of § 1807.012.)

(b) *Additional Federal requirements.* As a condition to allowability under the program in this part, of any portion of the cost of a project involving construction, a number of additional Federal requirements may apply. The major categories of requirements and proscriptions are set forth in this section. Additional information is contained in 32 CFR Part 1812, CPG 1–3, and in regulations of various other Federal agencies which administer the specific standards and requirements—as referenced in the regulations in this part, in 32 CFR Part 1812, and in CPG 1–3. Refusal or failure to comply may result in the grantor agency cancelling, terminating, or suspending the grant, in whole or in part, and refraining from extending any further assistance to the grantee or subgrantee until satisfactory assurance of future compliance has been received. (See § 1807.007 and subparagraphs (1) and (5) of § 1807.012 of this part, and 32 CFR Part 1803.)

(1) *Accessibility by the physically handicapped.* In undertaking projects for new facilities, and for renovation to the extent they can be implemented in the area to be renovated, with the use of Federal funds provided under the program covered in this part, each grantee and subgrantee shall provide for making the facilities accessible to and usable by the physically handicapped. The requirements are contained in General Services Administration (GSA) regulations appearing at 41 CFR Subpart 101–17.5, issued under authority of the Architectural Barriers Act of 1968 (Pub. L. 90–480).

(2) *Equal employment opportunity.* The grantee or its subgrantee, as the case may be, shall incorporate the federally prescribed equal employment opportunity (EEO) clause set forth at 41 CFR 60–1.4(b) into any contract for construction work or modification that is paid for with the assistance of Federal funds furnished under the program covered in this part. In addition, the grantee and subgrantee, where applicable, shall:

(i) Be bound by the clause with respect to its own employment practices when it participates in federally assisted construction work. The clause is applicable only to State and local departments that participate in the work under the contract,

(ii) Affirmatively cooperate with and assist the U.S. Department of Labor in obtaining the compliance of contractors and subcontractors. The grantee must furnish either the grantor agency or the Office of Federal Contract Compliance Programs (OFCCP) with any information that either agency may require for the supervision of such compliance.

(iii) Refrain from entering into any contract or contract modification with a contractor who has been determined by the Federal government to be ineligible for any further Federal contracting or contract bidding or who has not otherwise demonstrated eligibility for government contracts and federally assisted construction contracts.

(iv) Carry out such sanctions and penalties for violations of the equal opportunity clause as may be imposed upon contractors and subcontractors by the grantor agency or the U.S. Secretary of Labor.

(3) *Labor standards*—(i) *Wage rates (Davis-Bacon Act).* The obligations of each grantee include ensuring that every contract let by a grantee or subgrantee which involves construction in excess of $2,000 and which is funded in part from Federal funds provided under the program covered in this part, shall include as a part thereof the labor standards provisions, in completed form, set forth at 32 CFR 1808.4 (also see 29 CFR 5.5) and shall have attached thereto the applicable wage determination of the U.S. Secretary of Labor (see 29 CFR Part 1). Each advertisement of an invitation to bid shall indicate expressly that if the construction phase of the contract exceeds $2,000, the Davis-Bacon Act requirements apply and the grantee or subgrantee shall place a copy of the current prevailing wage determination issued by the U.S. Secretary of Labor in each solicitation and the award of the contract shall be conditioned upon acceptance of the wage determination (see 32 CFR 1808.3 and Appendix 0 of CPG 1–3).

(ii) *Work hours and overtime.* The work hours and overtime provisions of the Work Hours and Safety Standards Act of 1962 as amended (40 U.S.C. 327 et seq.) and the Federal regulations issued thereunder (29 CFR Part 5) apply to contracts and subcontracts involving the employment of laborers and mechanics which are assisted by Federal funds provided under the program covered in this part. The provisions prescribe an eight-hour work day, a 40-hour work week and "time and half" for overtime. The grantor agency may withhold funds from the grantee in an amount sufficient to pay the amount of any unpaid wages and liquidated damages determined to be due under the provisions of the statute.

(iii) *Anti-kickback.* The Copeland Act, 18 U.S.C. 874, 40 U.S.C. 270c and the regulations issued thereunder (29 CFR 3.1 et seq.) apply to the construction or repair of a building or work financed in part under the program covered in this part. It provides procedures for submission by contractors and subcontractors of weekly payroll statements and permissible deductions from wages. It also prescribes a criminal

penalty for including an employee to make a kickback.

(iv) *Safety standards.* The stafety standards provisions of the Contract Work Hours and Safety Standards Act as amended (40 U.S.C. 327 et seq.) and the regulations issued thereunder (29 CFR Part 1926) apply to each contract entered into by a grantee or subgrantee for construction, alteration, and/or repair, including painting and decorating which is financed in part with Federal funding provided under the program covered in this part. Each such contract must provide as a condition thereof that no contractor or subcontractor for any part of the work shall require any laborer or mechanic engaged in the performance of the contract to work in any place, or under any working conditions which are unsanitary, hazardous or dangerous to health and safety.

(v) *Convict labor.* With the exception of labor performed by convicts who are on parole, probation, or an approved work training program meeting the requirements of Executive Order No. 11755, dated December 28, 1973 (39 FR 779), convict labor shall not be used on construction performed with the assistance of Federal funds furnished under the program covered in this part.

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Thursday
July 19, 1979

Part VIII

Department of Interior

Bureau of Land Management

Coal Management; Federally Owned Coal

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 221, 3400, 3410, 3420, 3422, 3430, 3440, 3450, 3460, 3470, 3500, 3501, 3502, 3503, 3504, 3507, 3511, 3520, 3521, 3524, 3525, 3526, 3550, 3564, 3565, 3566, and 3568

[Circular No. 2449]

Coal Management; Federally Owned Coal

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: The rulemaking sets out the procedures the Secretary of the Interior will use in carrying out the authority to manage Federally-owned coal through leasing or exchange provided by the Mineral Leasing Act of 1920, as amended, the Mineral Leasing Act for Acquired Lands, as amended, the Federal Land Policy and Management Act of 1976, the Surface Mining Control and reclamation Act of 1977, the Multiple Mineral Development Act, and other related Acts. These procedures are to be carried out in a manner that will meet the nation's need for coal from Federal lands and afford protection for the environment.

DATES: Effective July 19, 1979.

ADDRESS: Any suggestions or remarks should be sent to: Director (140), Bureau of Land Management, 18th & C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Don R. Mitchell (202) 343–4537 or Robert C. Bruce (202) 343–8735.

SUPPLEMENTARY INFORMATION: Notice of Intent to Propose Rulemaking was published in the **Federal Register** on December 15, 1978 (43 Fed. Reg. 58776–58777). Proposed rulemaking on coal management was published in the **Federal Register** on March 19, 1979, and a 60-day comment period was provided (44 Fed. Reg. 16800–16845). On April 19, 1979, an amendment to those sections concerning consultation with the Attorney General was published in the **Federal Register** with a 30-day comment period (44 Fed. Reg. 23508–23509).

The comments received on the coal management rulemaking are of four kinds, all of which were given careful consideration. The first category of comments is the comments submitted on the draft environmental impact statement (EIS) on the coal management program, but received too late to be considered in the final EIS on the coal management program. The second category is the thirteen comments directly related to the coal management rulemaking were received too late for consideration in the preparation of the proposed rulemaking; but were considered as comments on the proposed regulations. The thirteen comments break down as follows: four from State and local governmental sources, four from Federal agencies, one from a law firm, one from an environmental group, one from an industry association, one from an industry source and one from an individual. The third category of comments consists of the eighteen comments received during the four public hearings that the Bureau of Land Management held on the coal management program. The hearing comments break down as follows: ten from environmental groups, four from industry sources and four from individuals. The fourth and major category of comments is the 65 comments received within the time period provided for comments on the proposed rulemaking. These comments came from the following sources: thirty-two from industry, ten from environmental groups, ten from Federal agencies, seven from industry associations, four from individuals and two from law firms. Fifteen additional comments were not considered because they were not timely.

The comments recognized the need for a coal management program that would permit the leasing and mining of Federally-owned coal, with some favoring very limited leasing with strict controls and others seeking greater leasing activity with less strict controls. There was a consensus that the procedures used in considering and selecting the Federal coal management program were fair and effective. The comments were contradictory in that they demanded more specificity and the prescription of precise procedures, while complaining that the proposed rulemaking was too complicated and needed to be simplified.

Discussion of Specific Comments

Sections 3400.0–3 and 3400.0–4

Several comments on the authorities (§ 3400.0–3) recommended additional laws that should be included. After review, two more statutes, the Federal Coal Leasing Amendments Act of 1976 and the Act of October 30, 1978, were added to the section. Although the two Acts are largely amendments to the Mineral Leasing Act, there are some sections of the statutes which are not amendments to that Act but are now being implemented as part of this rulemaking. These two statutes were added because of comments suggesting that their omission meant they were not being implemented through the rulemaking.

Several comments were directed to § 3400.0–4, the responsibilities section, requesting changes. § 3400.0–4(a)(1) has been revised, consistent with the terminology now being used in the Department of the Interior, to refer to Bureau of Land Management's "assessment" of the unsuitability of lands for all or certain methods of coal mining operations and acceptability for further consideration for leasing. The express distinction in the proposed paragraph (a)(1) between the unsuitability "assessment" by the surface management agency and "designation" of Federal lands as unsuitable by the Office of Surface Mining Reclamation and Enforcement (Office of Surface Mining) in response to a petition is no longer required. This subsection now reflects the Secretary of the Interior's decision to authorize the Forest Service to carry out the Federal lands review under section 522(b) of the Surface Mining Control and Reclamation Act of 1977 (hereafter the Surface Mining Act) (30 U.S.C. 1272(b)) on lands administered by the Forest Service using the unsuitability assessment procedures and standards in these regulations.

Other portions of subsection (a) have been revised to clarify their scope. A new paragraph has been added to reflect the role of the Bureau of Land Management as the surface management agency in the mine plan review and permitting process of the Office of Surface Mining.

Portions of subsection (b) have been revised to clarify the role of the Geological Survey in two classes of exploration activities, those on an exploration license on unleased Federal lands and those on leased lands outside the area of a permit issued by the Office of Surface Mining. New paragraphs have been added, subsections (b)(6) and (c)(7), to show the responsibility of the Geological Survey and Office and Surface Mining to advise the regional coal teams consistent with the expertise of each agency, on factors for tract ranking and their importance. These paragraphs are consistent with a similar paragraph already included in subsection (d) for the Fish and Wildlife Service.

Subsection 3400.0–4(c)(5) of the proposed rulemaking concerning the protection of the rights of holders of Federal non-coal permits and leases, has

been deleted as suggested in one of the comments. This Bureau of Land Management responsibility is now reflected in the new § 3400.0–4(a)(10) of the final rulemaking. Paragraph (c)(3) was rewritten to conform to Office of Surface Mining terminology, and paragraphs (c)(4) and (5) were added to include other Office of Surface Mining functions which are referred to in the body of the rulemaking.

Subsection (d)(1) has been amended to delete "and other fish and wildlife." As proposed, the paragraph implied that consideration of these values was exclusively a Fish and Wildlife Service function, and it thus appeared to derogate Federal surface management agencies' authority both to manage and protect wildlife habitat and to consider wildlife values in their land use and other management planning. The role of the Fish and Wildlife Service in protecting wildlife that has been accorded special legal status, which is the focus of the agency's function in the body of the regulations, is fully retained.

Since § 3400.0–4 concern only the roles of agencies of the Department of the Interior, it does not alter the functions of non-Interior agencies in Federal coal management, nor does it diminish the responsibilities that state regulatory authorities may assume upon approval of a cooperative agreement between the Department of the Interior and a state. This section was formulated to be consistent with the intra-Departmental division of responsibilities between the Bureau of Land Management, the Geological Survey and Office of Surface Mining approved by the Under Secretary on July 5, 1978 (43 FR 57662, Appendix B, December 8, 1978). A detailed Memorandum of Understanding (MOU) between the three agencies is now being completed which will refine the division of functions and implement other agreements and Secretarial decisions made in formulating and adopting the Federal coal management program. If the adoption of the three-agency MOU on Federal coal management requires the revision of any of the currently understood divisions of responsibility reflected in section 3400.0–4, this section will be revised accordingly.

Definitions (Section 3400.0–5)

The definitions section of the proposed rulemaking drew a large number of comments and many of the terms in the section have been revised as suggested. In addition, as stated in the preamble to the proposal, definitions of terms common to this rulemaking and the Office of Surface Mining final permanent program regulations agree whenever possible. The proposed regulations were not conformed to Office of Surface Mining's definitions because the final text of the Office of Surface Mining rules was not available at the time the proposed coal management regulations were signed.

In subsection (a), the term "alluvial valley floor" has been changed to conform to the provisions of 30 CFR 701.5. Proposed subsection (b), "area of mining operations," has been deleted from the final rulemaking because it is not needed. Instead, the term "permit area" is used unless some other area is intended, in which case it is described in the section where it is used. In subsection (c), the term "bonus" has been clarified by the addition of a clause to reflect the use of the term as a part of the lease sale process. The term "bypass coal," subsection (d), was changed to clarify what the proposal intended. The word "practicably" has been changed to the explanatory phrase "economically and in an environmentally sound manner."

A new subsection (e) was added defining "casual use," as used chiefly in subpart 3410 governing exploration licenses. The definition is designed to incorporate the existing standards contained in 30 CFR Part 211.

A revision has been made in subsection (f) to the term "certificate of bidding rights" that makes it clear bidding rights can also be used in payment of the value needed for a coal lease modification. This mechanism was criticized in several of the comments as a loophole that would allow lessees to get "something" in exchange for worthless leases. First, if a lease is "worthless," its fair market value will be zero, and no certificate will be issued for it. Second, consistent with the March 20, 1979 memorandum from the Director of the Office of Coal Leasing, Planning and Coordination to the Under Secretary (Appendix I to the Final EIS), the Department of the Interior does not intend, except in the case of alluvial valley floor exchanges, to exercise the limited exchange authority it does have in cases where the powers conferred by the Surface Mining Act authorize the prohibition of environmentally unsound mining. The leases most likely to be considered for exchange are leases on which environmental damage cannot be successfully mitigated or avoided because the Surface Mining Act exempts the operations, or the damage is to a resource that was not susceptible of protection through the Federal lands review process and the unsuitability criteria in section 3461.1 of these rules. These are instances where a lease may well have value and the Department of the Interior has no authority to prevent operations on the lease. The exchange provisions themselves (subpart 3435) assure public participation that can be directed to any possible or perceived abuse of this process that several of the commenters were convinced would occur. The authority to issue a certificate of bidding rights may never be exercised, but it has not been deleted from the Department of the Interior's coal management tools merely because some fear that it will lead to abuse.

Subsection (h), defining "coal resource economic value," has been edited. There is a possibility of its being substantially revised after the conclusion of the fair market value task force's work on matters concerning its use, and after completion of the MOU which may describe its use.

The term "commercial quantities" in subsection (i) was revised to delete the words "per year" in each paragraph after two commenters correctly pointed out that that qualification was not a part of the 1976 Departmental definitions of this diligence term.

The proposed definition—"compliance bond"—has been renamed "lease bond" in subsection (z) so that the term conforms to Bureau of Land Management and Office of Surface Mining usage. The change was made in response to a suggestion. It must be emphasized, however, that this bond is not the reclamation performance bond required by OSM, but is the bond for the lessee's compliance with the financial and other non-reclamation-related terms of a Federal lease.

The term "environmental assessment" has been added to the final rulemaking as subsection (o) to follow the Council on Environmental Quality's (CEQ) regulations on Federal agency compliance with the National Environmental Policy Act of 1969. The phrases "environmental analysis," meaning the process, "environmental assessment," meaning the document resulting from the process, and "environmental impact statement," meaning the document prepared under section 102(2)(C) of the National Environmental Policy Act, are now used throughout the final rulemaking.

In order to conform more closely with the usage that the Office of Surface Mining gives to it, the definition of "exploration" has been revised. The definition is not identical to the Office of Surface Mining definition, since exploration authorization by the Bureau of Land Management on unleased land is not covered by the Surface Mining

Act (30 U.S.C. 1262(e)) and may encompass slightly different activities than on-lease exploration authorized by the Office of Surface Mining or the Geological Survey. "Exploration license" has been shortened by providing simply that it applies only to unleased lands. The remainder of the proposed definition was in fact a description of the terms of an exploration license, material more appropriately located in subpart 3410.

Even though several comments requested the revision of the definition of "fair market value," is was not revised. As pointed out earlier in his preamble, after the completion of the work of the fair market value task force, the term may be addressed in supplemental rulemaking. In subsection (u), the term "governmental entity" has been revised to make it clear that the political subdivisions of a state are included in the definition. In subsection (x), the definition of a KRCRA was revised to conform to the Geological Survey's usage.

"Maximum economic recovery" has been revised to reflect the decision of the Secretary to assess coal seams on the basis of their individual profitability, rather than their collective profitability.

The definitions of "mining plan," "permit," and "permit area" have also been revised to conform to the definitions in the regulations of the Office of Surface Mining.

The term "public bodies" has been revised, as was the term "governmental entity," to include political subdivisions of a state, such as counties.

In subsection (pp), "qualified surface owner" has been amended in two respects. First, the words "may include" in paragraph (3) governing calculation of the three-year holding period have been changed to "shall include" to assure uniform administration of the qualifications. Second, paragraph (3) was revised to implement the Congressional intention that a surface owner could become "qualified" to veto leasing by holding the split estate lands in conformity with paragraphs (1) and (2) for three years without giving consent. The proposal, which followed the statute, appeared to provide that a surface owner was never fully "qualified" until he gave consent. This led to the self-defeating implication that consent was not required prior to leasing the tract, because the surface owner had not held the property for three years *prior to consenting*, and he could not qualify until he gave his consent. The revised definition, however, does retain the disqualification "window" provided by Congress—the surface owner who acquires property in year one and consents in year two is *not* "qualified," and the property could be leased without reference to the terms of that consent so long as the Federal lessee respected the provisions of the original statute under which the mineral reservation was made, such as the Stock-Raising Homestead Act. Although several of the comments complained about the definition of the term in the proposed rulemaking, it is, except for these changes, defined in the same way as it is in section 714 of the Surface Mining Act.

The definition of the term "substantial legal and financial commitments" has been revised to bring it into conformity with the definition of that term in the Office of Surface Mining's permanent program regulations, although to simplify the definition, the examples cited in the OSM regulation are not included in this final rulemaking.

Sections 3400.2 through 3400.4

Two changes have been made in § 3400.2. The first change is an amendment to § 3400.2(a)(8) to conform to the Federal Coal Leasing Amendments Act—a National Recreation Area must be designated by an Act of Congress before the outright prohibition against leasing applies. A second change in this section was the deletion of subsection (d). While lands purchased with Land and Water Conservation Fund money are included in the Federal lands systems unsuitability provisions, and might in certain cases be assessed as unsuitable for all or certain types of mining operations, there is no total statutory prohibition against their being leased.

Section 3400.3–1 has been revised by deleting the last part of (a) and all of (b). The deletion of subsection (a) has been made because its authority is questionable and will not be exercised until it is found to be well-based and in the public interest. Subsection (b), which concerned exploration licenses, was transferred to subpart 3410. It is more appropriately included in that subpart rather than here because § 3400.3–1 addresses leasing rather than the issuance of exploration licenses.

Section 3400.3–3 has been substantially revised to reflect the inclusion of the proposed section into unsuitability criterion number 1 in § 3461.1. This change conforms to the Secretary's decision to allow the Forest Service to conduct the Federal lands review on lands under its jurisdiction using the procedures and criteria in these regulations, and it conforms to the function of the sections of this subpart to reflect statutory bars against *leasing*, not the statutory considerations of unsuitability for all or certain types of coal mining operations.

Section 3400.4, which authorizes and describes the Federal/state regional coal teams that have the central role in coal activity planning in the normal leasing process, and an important role in many other coal management functions, has not been substantially revised. Subsection (a) has been revised to make it clear that regional coal teams do not have to be organized in coal production regions lacking substantial Federally-owned coal deposits. Subsection (d) has been revised to make it clear that the teams are the forums for Interior's coordination with states on matters involving Federal coal management.

Subpart 3410—Exploration Licenses

Several comments charged that the provisions of subpart 3410 were inconsistent with and duplicative of the permits governing exploration on leased lands authorized by the Surface Mining Act and the Office of Surface Mining's regulations. The final rulemaking covers the issuance of licenses to enter *unleased* public lands for the purpose of commercial exploration for coal deposits. This is entirely different from exploration activities conducted on Federal lands already leased for coal development under the terms of a mining permit issued by the Office of Surface Mining. The authority for exploration licenses on *unleased* Federal land is derived from section 4 of the Federal Coal Leasing Amendments Act of 1976 and is expressly exempted from the coverage of the Surface Mining Act (30 U.S.C. 1262(e)). The differences between the three types of exploration are clear: (a) on unleased lands under an exploration license issued pursuant to these regulations; (b) on leased lands outside an Office of Surface Mining permit area under the supervision of the Geological Survey (30 CFR Part 211); and (c) on leased lands within a permit area as part of the Office of Surface Mining permitted operations. The differences are reflected in § 3400.0–4, discussed above, and will be further set out in the MOU now in preparation.

A few comments expressed doubt that anyone would initiate or participate in exploration activities under this subpart since an exploration licensee could not be assured of receiving a lease on the lands explored, and might even be precluded from bidding because of special leasing opportunity sales. Even if this were in some cases true, the

rulemaking follows the provisions of the Federal Coal Leasing Amendments Act. It provides that the issuance of an exploration license confers no right to lease, nor does it preclude the issuance of a lease for the explored lands to others. The Congress in effect declined to follow these comments when it enacted section 4 of the Federal Coal Leasing Amendments Act of 1976.

A couple of comments questioned the meaning of "casual use" and "substantial disturbance" as used in § 3410.1–2. To clarify the two terms, a definition of "casual use" has been included in the definition section of the final rulemaking and the term "substantial disturbance" has been redefined in § 3410.2–6. In addition, the final rule makes it clear that exploration for commercial purposes, whether only casual use or not, cannot be done without a license. Section 3410.1–2 specifies that exploration for coal on unleased Federal lands for commercial purposes without an exploration license constitutes a trespass. The section has been amended to provide that the acquisition of coal resource data for sale is exploration for commercial purposes. The express inclusion of this category of commercial exploration is not to exclude any other type of commercial exploration.

One comment requested that this subpart allow the issuance of exploration licenses on those Federal lands where a lease had been issued for a specific body of coal and not the entire coal interest in the lands. This could not be done because the Federal Coal Leasing Amendments Act provides that no exploration license can be issued on Federal lands on which a coal lease has been issued.

Two comments objected to the requirement in § 3410.2–1 for a land description in the application for a license and the limitation on the area covered by the license contained in that same section. Although there is no statutory requirement for a precise land description of, or a statutory acreage limitation for, a license, these conditions have been imposed for administrative and recordkeeping purposes. However, the rulemaking does not prohibit describing the lands in full sections, which does not appear to be an unreasonable request. Further, the 25,000-acre limitation imposed by the rulemaking is not absolute since the acreage, with appropriate justification, may be increased.

Several comments objected to the provision in § 3410.2–1(d) requiring any applicant for an exploration license to provide an opportunity for others to participate in such exploration. Objections were also raised to the provision allowing the authorized officer to require modification of an exploration plan to accommodate any additional participants. In order to avoid duplication of exploration activities in an area, the provision requiring an applicant to publish an invitation to others to join in the exploration has been retained. However, the rulemaking has been rewritten to limit the authorized officer's authority to modify an original exploration plan only to those instances when modification is needed to accommodate the legitimate exploration needs of persons seeking to participate, and to avoid repetitive exploration on the same lands. The Department's policy expressed here is only rarely to modify the original plans and expressly to discourage any attempt by parties not truly interested in exploration to harass or impede exploration efforts by requesting to participate and filing for unwarranted changes in exploration plans.

The respondent to a notice does not have to submit a complete exploration plan when he indicates his desire to participate; the authorized officer will request any additional information about the respondent's exploration plans necessary to determine whether to allow participation.

One comment recommended that the Bureau of Land Management, rather than the applicant, bear the cost of publishing the notice of invitation to participate. This suggestion was based on the fact that the applicant obtains no preference right in return for the exploration data obtained at little or no cost to the Federal Government. This suggestion was not adopted because the exploration license yields no revenue to the Federal Government and the costs involved in an exploration license should be borne by the applicant rather than the taxpayers.

One comment requested the deletion of the provision in section 3410.2–1 providing for rejection of applications to conduct exploration activities which could have been conducted as part of the exploration under an existing or recent coal exploration license. Such rejection is not made mandatory by the rulemaking, rather, each determination will be made on a case-by-case basis. The provision is retained in order to allow the authorized officer to reject applications for unnecessary exploration activities. The policy of the Bureau of Land Management, notwithstanding this provision, is to encourage private exploration for Federal coal.

A sizable number of comments were received concerning the requirement for environmental analysis prior to the issuance of an exploration license. Many of the comments were of the opinion that the environmental analysis requirements contained in section 3410.2–2 were more complicated and cumbersome than they needed to be. The commenters recommended that the Department request for exploration licenses a categorical exclusion from the provisions of the National Environmental Policy Act, as discussed in the preamble to the proposed rulemaking. There were also several comments on this section that expressed the opinion that the environmental analysis provisions in the proposal were inadequate, and suggested that the rulemaking be amended to require an environmental impact statement for exploration licenses. The Department of the Interior has not yet requested a categorical exclusion, although it may do so since substantial disturbance to the natural land surface may not be authorized by an exploration license. Until the Department requests and receives such an exclusion, the National Environmental Policy Act must be adhered to for any potentially significant environmental impacts which might occur due to the issuance of exploration licenses. The section has thus been revised to require the preparation of an environmental assessment prior to the issuance of an exploration license.

A suggestion that the environmental assessment preparation and the Geological Survey's approval of the plan occur simultaneously to avoid unnecessary delay was adopted. Section 3410.2–2 was so revised.

Two comments suggested that the wording of § 3410.2–3 be amended to require that only those lands "listed or eligible for inclusion in the National Register of Historic Places" be covered rather than the language that was part of the proposed rulemaking. The suggested language clarified the intent of the rulemaking and was adopted. Section 3410.2–4 was revised to more closely reflect the language of the revised section 7 of the Endangered Species Act (16 U.S.C. 1536), and the consultation procedures necessary to implement it.

The definition of "substantial disturbance" in § 3410.2–6 of the proposed rulemaking received a number of comments. Some of the commenters were of the opinion that the definition was too restrictive and precluded any type of exploration activities, while others viewed it as much too lenient,

precluding nothing but bad exploration practices. Because of the apparent ambiguity, the definition has been rewritten to clarify its meaning.

One comment objected to the two-year limitation imposed on exploration licenses by the rulemaking. The two-year limitation is a provision of the Federal Coal Leasing Amendments Act and no longer period can be provided by the rulemaking. Several other comments on this same section objected to the requirement in the section for completion of clean-up and reclamation during the two-year life of a license. It is highly unlikely that clean-up and reclamation could be accomplished within the two-year life of a license while allowing sufficient time to conduct an adequate exploration program, so the requirement that clean-up and reclamation be completed within the two-year life of the license has been deleted. This deletion does not reduce the requirement that clean-up and reclamation promptly take place.

A few commenters wanted a provision added to section 3410.3–1 allowing for the granting of an extension of the life of an exploration license. There is no provision for such an extension in the Federal Coal Leasing Amendments Act and none is provided in the final rulemaking.

The question of the definition and use of the term "substantial disturbance" was again raised by several commenters on § 3410.3–4(b). As pointed out above, the term "substantial disturbance" has been redefined and this section has been revised to show that substantial disturbance of the natural land surface or of improvements will not be authorized by an approved exploration plan. Temporary removal and replacement of corner markers or fences is not damage to improvements.

With regard to § 3410.3–4(c), several comments requested clarification of how "an agreement or lack of agreement" was used in the section. The comments also questioned why consent of the surface owner should have any bearing on the amount of a bond. In determining the amount of the bond required for protection of the surface owner, the authorized officer should consider any agreement which the license applicant and the surface owner have made with reference to compensation. If no such agreement exists, that too would be considered, but it is agreed that the consent of the surface owner should have no bearing on the bond amount and the section has been amended accordingly.

Some comments on § 3410.3–5 found it unreasonable that licensees may be required to collect and report ground and surface water data, while other comments requested that it be made mandatory that ground and surface water data be reported by a licensee. After studying the section and the comments, it has been determined that the authorized officer should only require an applicant to report that information that would be collected, in the authorized officer's judgment, as part of the on-going exploration program. The Department has amended the section to so state.

A major concern of those commenting on subpart 3410 was the confidentiality of the data obtained during exploration activities conducted under a license issued under this subpart. The Federal Coal Leasing Amendments Act provides that all data obtained during exploration will be held confidential until after the area has been leased or until such time as the Secretary of the Interior determines that making the data available to the public would not damage the competitive position of the licensee, whichever comes first. The rulemaking has been amended to require that the data be submitted only to the Mining Supervisor and not others as required by the proposed rulemaking, and the word "proprietary" has been deleted from the section to bring it into conformity with the statute. No other changes in this section were made. The Department recognizes that the principal benefit of exploration to the explorer is his right to keep this data confidential and use it in, or sell it for use in, a competitive lease sale. The regulations will be administered consistent with this principle. With this, as well as other matters related to proprietary data, however, the Department will not maintain, as confidential, data which are otherwise in the public domain. In addition, information similar to that acquired by a licensee and submitted to the Department under a license will normally be included in the public environmental analysis of a lease proposal. The Department will study whether it is appropriate to establish by rule the duration of the confidential treatment to be given exploration data. This may be the subject of future rulemaking.

Subpart 3420 contains the general competitive coal leasing provisions of the Federal coal management program and was the subject of many comments. This subpart is designed to implement most of the leasing components of the coal management program selected by the Secretary.

Several comments on § 3420.1 suggested that the final rulemaking provide additional opportunities for special leasing for those who qualify as public bodies or small businesses. Several comments on § 3420.1–4 suggested clarification on the issues of joint ventures and assignments. Changes were made to allow for, but prevent abuse of, joint venture or other participation arrangements between public and private utilities. Allowance was also made for limited assignments of leases obtained through public body lease sales for the purpose of obtaining loans to develop the leases. The section has been clarified to allow special leasing entities to participate in the general competitive lease sales not designated as special leasing opportunity sales as well as in those special sales.

Several commenters feared that the requirement that leases only be issued on lands in a Known Recoverable Coal Resource Area (KRCRA) would act as a screen, and that the Federal land available for consideration for leasing would be limited by the progress of this Geological Survey classification program. KRCRA designation is not a screen like those described in § 3420.2–3, and activity planning may proceed prior to designation of a KRCRA covering those lands. Section 3420.1–3 merely provides that, for now, KRCRA designation is the method by which the Secretary under section 2(a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1)) "classifies" lands for leasing. Such designation would occur, however, prior to holding a sale under subpart 3420.

Section 3420.1–4(b)(2) refers to small coal companies as defined in 13 CFR Part 121. The Small Business Administration published an advance notice of proposed rulemaking for this purpose on December 8, 1978 (43 FR 57611), and published its proposed rulemaking on March 14, 1979 (44 FR 15513). The final definitions should be published in the near future.

The general comments on subpart 3420 were primarily concerned with the initiation of a coal management program using revised existing management framework plans rather than resource management plans formulated and completed in compliance with the procedures and standards in the Bureau of Land Management's land use planning regulations. These commenters feared that if the use of management framework plans were allowed to continue over a long period of time, it would defeat the purpose of the coal management program, and the Federal Land Policy and Management Act and the Federal Coal Leasing Amendments Act of 1976, by allowing coal leasing to

proceed without top-quality information on the impacts of the coal leasing program on the lands and other land uses. There was also the concern, because other uses such as grazing and wilderness have judicial or statutory deadlines for completion of planning for those resources, that the schedule for new land use planning would emphasize units where these uses prevail and de-emphasize units where coal leasing is most likely, despite the fact that coal mining may be the most significant use from a land use planning and environmental impact standpoint. Partly in response to the concerns expressed in these comments, the Department has set a deadline of 1985 in this rulemaking after which time no coal activity planning will be initiated in areas not covered by resource management plans as prescribed in the Bureau of Land Management's land use planning regulations under the Federal Land Policy and Management Act.

The final rulemaking continues to allow coal leasing based on land use plans completed prior to the enactment of the Federal Land Policy and Management Act and on plans completed after the enactment of that Act but not prepared in accordance with regulations to implement the Act. The final rulemaking does, however, differ in several ways from the proposed rulemaking. First, definite limits are set after which non-conforming plans will no longer be used. Second, standards are set to judge the adequacy of these existing plans as the basis for coal management decisions.

These changes in the final rulemaking reflect the Department's position that while neither the Federal Coal Leasing Amendments Act nor the Federal Land Policy and Management Act in any way legally bar coal leasing based on existing plans, the Department of the Interior takes its land use planning responsibility seriously and will not lease where plans are inadequate. It should be clearly understood that the addition of the planning standards in § 3420.1–5(c) is not intended to disqualify any plan, which includes or is supplemented with the application of the unsuitability criteria and surface owner consultation, for technical noncompliance or other minor problems as long as the plan provides a reasonable basis on which to proceed to tract delineation, evaluation, ranking and scheduling for sale. Many of the standards included in the final rulemaking are derived from the standards in the Bureau of Land Management's planning manual and from the Federal Land Policy and Management Act, and they are intended to incorporate the practices and procedures that were previously required and which are in accordance with the newer Federal Land Policy and Management Act requirements. The Department believes this approach is reasonable, particularly in view of the extensive amount of area-wide environmental analysis that will be done as part of the application of the unsuitability criteria in the plans, or in supplements to the plans, and in the subsequent activity planning, and in view of the extensive opportunity for public involvement in both processes.

As noted in some of the comments, the regulations promulgated for EMARS in January 1977 appear to have adopted more rigorous standards for land use planning than those set out in the proposed rulemaking as part of this program, in that the 1977 regulations incorporated all of the requirements of section 202(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)) as the measure of whether a plan was "comprehensive." (43 CFR 3525.4 (1978)).

In retrospect, it is apparent that the Department did not fully understand the significance of including these criteria in the EMARS regulations. It is clear that no plan existing in 1976 could meet all of these standards. For example, they did not give priority to areas of critical environmental concern since that term only first appeared in FLPMA. Yet, it is also clear that the Department intended to use those plans "as is" for coal leasing. The preamble to the October 28, 1976 proposed revision to the EMARS regulations, prepared in response to the passage of the Federal Coal Leasing Amendments Act, contained the statement, "The Department has concluded that land use plans completed under the Bureau of Land Management's land use planning system comply with the requirements of section 3 of the Federal Coal Leasing Amendments Act." (41 FR 47259.) The October 1976 proposal also explicity said that the Bureau of Land Management will "prepare plans for lands under its jurisdiction in accordance with its procedures for the preparation of management framework plans." (43 CFR 3525.1–2(a)(1)(ii), 43 FR 47262.) This proposal clearly demonstrates that the Department felt that management framework plans were "comprehensive," and that the Department intended to lease coal under those plans.

The October proposal did not consider how the Federal Land Policy and Management Act of 1976 affected this process since that Act was passed only seven days before the proposed EMARS revision was published in the **Federal Register**. As previously noted, the Department responded to comments on the October proposal that raised the question of how the Federal Land Policy and Management Act affected coal leasing by adding as standards in 43 CFR 3525.4 the provisions of section 202(c) of that Act. It was also made clear in the preamble that the Department would continue to use management framework plans. The Department reiterated its conclusion that it would continue to use its present land use plans despite the addition to the regulations of the new statutory requirements. The Department construed the effect of the Federal Land Policy and Management Act in just this fashion. The coal leasing program proceeded without any revision to the existing management framework plans. The language included in the text of the regulations adopted for EMARS that indicates that the Department intended anything different was simply in error.

The decision to continue to use existing plans (as modified by the program the Department of the Interior is now adopting) is legally well-founded. The Federal Coal Leasing Amendments Act recognizes the validity of existing plans, both in the legislative history (122 Cong. Rec. E3667, June 29, 1976), and in section 3 of the Act itself—the Secretary is to prepare plans "where such plans have not been previously prepared."

Similarly, the Federal Land Policy and Management Act has several provisions which make it clear that the Department of the Interior may continue to manage, lease and dispose of lands prior to the completion of plans that comply fully with section 202 of that Act. The requirement for preparing and maintaining an inventory of all public lands in section 201(a) is explicit that any inventory-related activity "shall not, of itself, change or prevent change of the management or use of the public lands" (43 U.S.C. 1711(a)). Section 202, which requires new plans to be prepared, explicitly recognizes pre-existing plans and makes them subject to review, but does not mandate that they be replaced or revised. The legislative history of the Federal Land Policy and Management Act confirms that the Congress knew of pre-existing plans and was satisfied with them. "The Committee is well-acquainted with the land-use planning of the Bureau of Land Management and the Forest Service, and has found them to be consistent in general principles and practices with the

objectives of H.R. 13777." H.R. Rep. No. 94–1163, 94th Cong., 2d Sess. 5 (1976).

The section of the Federal Land Policy and Management Act that directs that lands be managed in accordance with plans developed under section 202 explicitly limits this direction to situations where such plans "are available" (43 U.S.C. 1732(a)). The section of the Act which authorizes the Department to issue rules to carry out the provisions of the Act also makes it clear that until any new rules are issued, lands may be administered under existing rules (43 U.S.C. 1740).

This conclusion is also the common sense conclusion. The Congress could hardly be expected to shut down all management activities on public lands for the three to ten years it will take to do new land use plans without mentioning its intention in either the Federal Land Policy and Management Act itself or its legislative history. This final rulemaking, together with the final rulemaking on planning under the Federal Land Policy and Management Act, provides a sound and reasonable transition from planning completed or initiated prior to its enactment and planning fully conducted under its requirements. Unlike the intended result of the EMARS regulations, in this coal management program existing land use plans will not be used as the basis for leasing without review and change. This final rulemaking requires a review of each land use plan in accordance with the standards in § 3420.1–5, and requires, at a minimum, a change in the plans in the form of a supplement which incorporates the application of unsuitability criteria and consultation with surface owners, and provides a cut-off date after which activity planning will not be initiated on land use plans that are in less than full compliance with the Bureau of Land Management's land use planning regulations under the Federal Land Policy and Management Act.

In addition to the comments on land use plans directed to the issues discussed above, there were several comments on section 3420.1–5's requirement for the preparation of a land use plan or, under certain circumstances, a land use analysis before Federal lands can be considered for a lease sale. The main concern of the comments addressed whether the land use planning and land use analysis process would make adequate provision for public participation. The section has been amended to give the Secretary of the Interior, the surface management agency or the state planning entity specific direction on supplementing the land use plan or land use analysis in conformity with the new requirements in § 3420.1–5(c). The final rulemaking makes specific provisions for public participation in the supplement preparation process, as requested by numerous commenters.

Sections 3420.2–1 through 3420.2–7 describe the land use planning process necessary for lands administered by the Bureau of Land Management before they will be found to be acceptable for further consideration for coal leasing, that is, before they will be considered in activity planning under § 3420.4. Specific steps have been outlined in § 3420.2–3 describing the screens and other planning considerations that will be applied to all coal-bearing lands during the land use planning process. A few commenters complained that there is no opportunity for anyone to introduce information into the process for determining development potential for coal deposits. To clarify this point, § 3420.2–3(b) has been revised to encourage coal companies and others to submit information to the U.S. Geological Survey for use in the CRO/CDP mapping program. This is in addition to the provision that allows coal companies and others to submit information to the Bureau of Land Management during the early stages of land use planning. It is expected that other surface management agencies will provide similar opportunities for the submission of coal resource data for use in agency land use planning.

As a result of a Secretarial decision on the coal management program, § 3420.2–3(e) has been amended by deletion of the provision for firm intent by a qualified surface owner not to provide consent for surface mining operations. Refusals to consent, treated in subpart 3427, may be filed during activity planning only.

The impact threshold concept described in section 3420.2–3(f) was the object of a large number of comments questioning the intent of that concept and requesting further definition of threshold levels. This process is not to be construed as a screen such as those listed in § 3420.2–3(a); it is a planning consideration the application of which will vary from area to area. The threshold concept will be clearly defined in the final Bureau of Land Management land use planning regulations. In those instances where threshold levels concerning leasing established during comprehensive land use planning would be reached in the activity planning process, the Bureau of Land Management will halt, suspend or condition further consideration of any leasing in the area as necessary to comply with the comprehensive land use plan.

Comments suggested that hearings on land use plans provided for in § 3420.2–4 must be scheduled regardless of whether any request for such a hearing has been received. The section, however, complies with the provisions of the Federal Coal Leasing Amendments Act, which requires that the Federal Agency or state entity responsible for preparing the comprehensive land use plan for the area being considered for coal leasing must provide an opportunity for public hearing on the proposed plan prior to its adoption, if requested by any person having an interest which is, or may be, adversely affected by the adoption of such plan. This requirement for public participation is further reiterated in the Bureau of Land Management's land use planning regulations.

Section 3420.2–6 has been revised, as suggested in a comment, specifically to include consultation with Indian tribes. This change requires the Bureau of Land Management to consult with any tribal government that administers lands within or near the boundaries of a comprehensive land use plan area to obtain its recommendations concerning determinations that lands are acceptable for further consideration for leasing.

Sections 3420.3–1 through 3420.3–4, which establish procedures for periodically adopting regional production goals and setting regional leasing targets, were the focus of a relatively large number of comments. While no major revisions in the content of these sections have been made in the final rulemaking, certain changes suggested in the comments were made to clarify their operation. Secton 3420.3–1(a) has been modified to conform with the revised provisions of subpart 3425 providing for leasing on application. Subpart 3425 now divides competitive leasing applications into two classes according to the geographic location of the lands applied for: lands inside a western coal production region or inside the part of an eastern coal production region in which activity planning under § 3420.4 will occur; and lands outside coal production regions or inside an eastern coal production region but outside any area of activity planning in that region. Applications for lands in the former class will be accepted only under the emergency leasing criteria of § 3425.1–4. Applications in the latter class will be accepted and may be processed without any "emergency" showing. Section 3420.3–1(a) has been amended to provide the mechanism for

designating those portions of eastern coal production regions which fall in or outside of activity planning areas. Section 3420.3–1(a) continues to provide for establishing the regions for which coal teams will be formed, production goals may be adopted, leasing targets may be established and activity planning occur.

Section 3420.3–1(b) was amended to incude Indian tribes as parties with whom the Secretary of the Interior should consult in adopting regional coal production goals.

The procedure for adopting regional production goals in paragraph 3420.3–2(d) has been amended to delete the Federal Register notice on the Department of Energy's final regional production goals. This regulation appeared to attempt to require the Department of Energy (DOE) to provide the public an opportunity to comment in setting their regional coal production goals. Public participation in this Department's adoption of the DOE regional production goals is expanded. Paragraph (d) invites comments on the goals in writing as well as in testimony given at public hearings. Further changes add Indian tribes to the list of parties whose views on regional production goals are especially sought, and require publication of the meetings of the regional coal teams on their recommendations concerning the adoption of regional production goals.

Section 3420.3–2(f) has been amended to provide that the Secretary of the Interior sets preliminary regional leasing targets based on DOE's regional production *goals*, as adopted by the Secretary, not on "Department of Energy targets," as it erroneously appeared in the proposed rulemaking. This error was, understandably, the cause of confusion on the part of many of those commenting on the proposed rulemaking. A further change in this section specifically adds the expected production from Indian tribal lands to the list of production sources the Secretary of the Interior is to consider in setting regional leasing targets. Another change in the section makes it clear that the Secretary of the Interior is to consider the relative economic and any other benefits of developing Federal, rather than non-Federal, coal where the proposed rulemaking required consideration of only the relative environmental benefits. Finally, the section now requires publication of the preliminary leasing targets in regional newspapers as well as the Federal Register.

Several of the comments on section 3420.3–2 misconstrued the section as requiring two or three notices of adopted production goals and preliminary leasing targets instead of just one publication of adopted goals and preliminary targets. To clarify this point, paragraphs (e) and (f) were restructured to clarify the chronology. Paragraph (h) has also been amended to delete the requirement for "sufficient" requests before any additional public hearings are held, allowing additional public hearings if there are any requests for them.

In response to a comment, § 3420.3–2(k) has been expanded to require the preparation of a supplement to the regional lease sale environmental impact statement if major changes in the tracts proposed for lease sale occur at the second-year review of leasing targets and the sale schedules. This provision was part of the final programmatic description of the coal management program, but was not included in the proposed rulemaking.

Significant opposition was raised in the comments on § 3420.3–2(l) to the exception to the procedure for setting targets that applies to the first round of lease sales provided in that section. As a result, the section has been changed to limit the exception only to sales held in 1981 and 1982. Additionally, in his June 1, 1979 decisions on the Federal coal management program, the Secretary of the Interior has decided to seek public comment on the leasing targets which he selected for the 1981 and 1982 lease sale schedules.

Sections 3420.3–3 and 3420.3–4 received very few comments. One comment which was adopted requested that a community's interest against, as well as for, coal leasing be a factor in any decision the regional coal team may make to develop alternative lease sale schedules that do not correspond with the Secretary of the Interior's final leasing target.

Sections 3420.4–1 through 3420.4–7, which constitute the activity planning provisions, received a number of comments. Section 3420.4–1 was revised, in compliance with a suggestion in a comment, to clarify the point that split estate lands otherwise acceptable for consideration for leasing would be deleted from further activity planning upon verification of a refusal to consent by a qualified surface owner. This deletion would remain effective until either the surface owner withdraws the intent at the time of revision of the comprehensive land use plan encompassing the area or until the surface estate changes ownership.

The comments on § 3420.4–2 expressed a great deal of concern that expressions of interest would only be accepted during activity planning. The emphasis of the concern was that if such information is provided only at this point, it will be too late to have any impact on the leasing process. The regulations in section 3420.2 governing land use planning are clear in their declaration that industry can provide data to the Geological Survey for its use in the CRO/CDP mapping program and can submit data during the early phases of land use planning for consideration during the high and moderate coal development potential screen (subsection 3420.2–3). In addition, industry can participate in the land use planning process like any other resource user, individual or segment of the public. Section 3420.4–2(c) expresses this; the Department hopes that these opportunities are exercised by those concerned. Formal expressions of leasing interest that will be used in tract delineation, ranking and scheduling under these sections will not be called for unless activity planning is initiated in the region, and will then be accepted only on lands found acceptable for further consideration for leasing under § 3420.2. The section was also revised to make it clear that data submitted in response to the call need not be site-specific, but can relate to sizes of tracts or types of coal, including coking coal, desired by the respondent.

Tract delineation, § 3420.4–3(a), will be a continuing process conducted on a regular basis on lands found to be acceptable for further consideration for leasing under § 3420.2. As resources permit, delineation of tracts of acceptable lands will occur whether or not a leasing target is established for the region and a call for expressions of leasing interest is made. This will shorten the work and time required to respond to a large leasing target in any region at any time, and assure that tracts are available for other coal management purposes, such as exchanges.

Several commenters requested that certain considerations be expressly listed in the regulations as delineation criteria. The regulations have been left general in nature, and each regional coal team may recommend specific considerations for use in tract delineation within its region. Specific considerations such as possible reclamation of abandoned, mined lands after re-mining, and checkerboard land ownership patterns in the railroad land grant and other areas, will be legitimate factors both in tract delineation and in ranking and scheduling, even without their being listed in the regulations.

Several of the comments raised questions concerning the membership of the regional coal teams mentioned in § 3420.4–3(h). The regional coal teams will be made up of the Directors of the relevant Bureau of Land Management State Offices and of the Governors of the relevant states, or their designees, under the direction of a chairman appointed by and responsible to the Director of the Bureau of Land Management. The constitution and functions of the teams are set out in section 3400.4 of the rulemaking.

The clause "subject to limitations of data availability, budget, and manpower" contained in § 3420.4–3(h) of the proposed regulations, was dropped. The clause caused confusion among several commenters. The regional coal teams will assign priorities for initiation of tract delineation within the areas acceptable for further consideration. This may be necessary as the limitations mentioned above may make it impossible to delineate tracts within all areas acceptable for further consideration immediately upon initiation of activity planning.

A number of comments asked for clarification of the term "other coal management purposes" as it is used in section 3420.4–4. The section has been amended to specify that those purposes include exchanges pursuant to subparts 3435, 3436 and 3437 of this title. Other commenters asked that § 3420.4–4(b)(1) be amended to require the regional coal team to defer ranking of any tract because of insufficient data, rather than retaining the tract in the ranking process at the team's discretion. This suggestion was adopted in the final rulemaking. Subsection 3420.4–4(b) was amended to require that the tract ranking factors and weights be published in any regional lease sale environmental impact statement (EIS) as part of the documentation of the ranking and selection process. Industry views in response to the call for expressions of leasing interest are clearly appropriate ranking subfactors. The section also expresses the team's authority to modify tract boundaries in the ranking and selection process as warranted by analysis developed in putting together the tract profile.

Consistent with prior changes, Indian tribes have been added to the list of entities in subsection 3420.4–4(b) that the regional coal team may wish to consult.

In response to a number of comments, section 3420.4–5 was amended to make it clear that a regional EIS on the proposed 4-year lease sale schedule will be prepared in accordance with the provisions of the National Environmental Policy Act, as has been the Department's intention from the beginning. A statement will be prepared for each coal region for which a sale schedule is proposed. In addition to analyzing the site-specific environmental impacts of each tract being considered for lease sale, the intra-regional cumulative environmental impacts of the proposed leasing action and alternatives will be covered.

Two new sections have been added to § 3420.5 of the final rulemaking to provide for formal consultations with Indian tribes and the Attorney General, and their timing. The section on Indian tribes requires the Secretary of the Interior to consult with any Indian tribe that might be impacted by the adoption of a proposed lease sale schedule. The Secretary must also consult with and give due consideration to the views of the Attorney General before the adoption of a proposed lease sale schedule. This § 3420.5–5 is provided to comply with the requirements of section 15 of the Federal Coal Leasing Amendments Act of 1976, which provides that the Secretary "consult with and give due consideration to the views and advice of the Attorney General * * * at each stage in the issuance * * * of coal leases." 30 U.S.C. 184(1).

A few comments expressed concern about the written surface owner consent provided for in § 3420.6, with emphasis on the fact that tracts lacking confirmed written consent should no longer be considered in the activity planning process. Section 3420.6 provides that the absence of written consent for a split estate tract has two effects: (1) the Secretary of the Interior will not include such tracts in a lease sale schedule if other comparable tracts on which written consent has been received are available; and (2) the Secretary of the Interior will establish a firm date when, in the absence of receipt of written consent, the tract will be deleted from any schedule. The first of these two provisions speaks only to the relative ranking of split estate tracts; the Secretary's policy continues to be that split estate tracts even with written consent will not be preferred over comparable tracts wholly owned by the United States. This section does not apply, of course, to tracts on which a refusal to consent under § 3427.2 was received during activity planning. Such lands are deleted from activity planning upon confirmation of the refusal to consent.

Section 3420.7, providing for the announcement of the final regional lease sale schedule by the Secretary of the Interior, has been amended as requested to include publication of the lease sale schedule in at least one newspaper of general circulation in each state within the region.

Several commenters felt that a hearing should be held prior to any revision of a regional coal lease sale schedule carried out pursuant to subsection 3420.7–2(a). No change was made since any revision considered must be an alternative previously covered in the regional coal lease sale EIS and therefore subjected to the previous hearing(s) on that EIS.

Subpart 3422—Lease Sales

The sales procedures in subpart 3422 apply to general competitive leasing under subpart 3420 and to leasing in response to an application under subpart 3425. A number of changes have been made in the subpart to assure its application to both types of sales. As an example, the introductory clause of § 3422.1–1 has been revised to guarantee that the request for public comments on fair market value and the other economic terms of tracts that are scheduled for lease sale or may be sold will occur at least 30 days prior to publication of the sale notice no matter which type of sale might follow.

A number of comments on § 3422.1–1(a) were directed at the Department of the Interior's calculation, and policies toward receipt, of fair market value in its most recent coal lease sales. The Department's fair market value task force is examining these issues in further detail at the direction of the Secretary, and will use the comments received on the proposed rulemaking in its study. Its report is due in September 1979. The Department has found itself in a difficult position because this program is being formulated under the shadow of the longstanding accusation that Federal coal has historically been undersold. At the same time, the only lease sales are short-term, "emergency" need cases in which the very qualification to hold the sale means that there will most likely be no competition between bidders for the tract being offered—only one applicant has the qualifying need. In this situation, the Department has had to assure that its own economic evaluation of the tract, rather than free market bidding competition, guarantees the receipt of fair market value to the United States for lease issuance.

The task force's examinations of the use of the Geological Survey's coal resource economic valuation (CREV) model, and the use of alternative methods of calculating fair market value, including appraisal and

comparable sales methods, is continuing. At least until this study is complete, the Department of the Interior is not prepared to disclose the "standards and procedures that guide the Government's [fair market value] appraisal," and to describe the components of the CREV model and how it works. These two proposed provisions in § 3422.1–1 (a) and (b) are thus deleted. A new rulemaking proceeding may be initiated after the new task force report is completed and made public. If so, an advance notice of proposed rulemaking will be published.

Sections 3422.1–1 (a) and (b) retain their procedures for the collection of these data and comments by the Bureau of Land Management, their transmittal to the Geological Survey and the Geological Survey's reply recommendations prior to publication of any notice of sale for a specific tract.

A new § 3422.1–1(c) has been added to describe the manner in which data submitted in response to the request for information will be treated by the Department of the Interior.

A number of comments asked what was the meaning of the third sentence in § 3422.1–2 of the proposed rulemaking. The sentence has been revised by the use of the description of fair market value for public body sales in the proposed section 3420.0–6. The same CREV model would be used, in other words, and the same discount rate, but the calculation of a reasonable profit is of course not relevant to nonprofit public bodies. The minimum bonus bid provision of the section is designed as a floor to apply to all subsequent notices of sale, whether the tract is being sold by cash bonus, royalty or any other bidding method. The acceptable bid, that is, the fair market value bid, for any sale may be higher than the minimum acceptable bid in the notice for that sale. The minimum published in the notice is the minimum bid necessary to have the bid be considered at all by the sale panel and not have it be summarily rejected. It also assures that all bidders who wish to participate in oral bidding will be serious bidders, as discussed more fully below with respect to § 3422.3–1.

Section 3422.2 has been revised in a number of respects: (a) it now tracks the statute to require "not less than three" weeks publication of the notice of sale; (b) it now clearly requires that all private surface owners receive notice of a sale, whether or not they are "qualified" under section 714 of the Surface Mining Act; (c) it no longer requires the notice of sale to call for comments on fair market value—this is now provided for in § 3422.1–1 discussed above (the Department of the Interior will no longer be subject to the untenable position of having published a minimum acceptable bid and receiving two days before a sale a comment that casts doubt on that valuation); (d) it requires that the detailed statement accompanying the notice contain bidding instructions and a copy of the proposed lease; and (e) it now provides for the publication of the pre-lease preliminary indication of maximum economic recovery, consistent with the MER procedures endorsed by the Secretary on June 1. Section 3422.2(e) has been deleted because of the change in the timing of the request for comments on fair market value discussed above.

Although § 3422.3–1 has not been substantially changed, it is noted that the section requires the submission of a sealed bid to qualify for oral bidding if the latter is the method of sale. Such a sealed bid might be at the minimum rate posted in the sale notice, but the requirement is designed to and should serve the purpose of deterring frivolous or nuisance oral bids not backed by submission of one-fifth of the minimum acceptable bid and statements of necessary qualifications.

Section 3422.3–1(b) has been amended to make it clear that the "next highest qualified" bidder may be awarded the lease, not just the "second high" bidder as set out in the proposed rulemaking. A comment on § 3422.3–1(c) requesting that bidders be allowed extra time to come up with the difference between their sealed and winning bids has been rejected. It is assumed that bidders come to an auction with blank checks and an authorization to bid to a certain level. Given this set of assumptions, the bidders should, in all cases, be ready and able to tender one-fifth of the amount of their total bid at the close of the bidding.

Section 3422.3–2(a) of the proposed rulemaking contained the Department of the Interior's proposed policy that split-estate tracts covered by a non-transferable written consent from a qualified surface owner will not be sold except at a sale using the inter-tract bidding method. The Secretary of the Interior endorsed this policy in his examination of split-estate leasing questions on June 1. While this is the Department's policy, the authority to promulgate regulations codifying that policy was transferred to the Department of Energy as part of their authority relating to the "fostering of competition for Federal leases" and "implementation of alternative bidding systems." While this policy is firm, it has been deleted from § 3422.3–2(a) and there is no codification of it in Group 3400 of Title 43 of the Code of Federal Regulations.

Section 3422.3–4 covers the role of the Department of Justice in reviewing a potential lessee's coal holdings to determine whether lease issuance might create or maintain a situation inconsistent with the antitrust laws under section 15 of the Federal Coal Leasing Amendments Act. The Department of Justice has revised the information required for a complete submission of coal holdings for its review. First, the requirements proposed on April 19, 1979 (44 FR 23508), have been amended by the addition of a definition for "Free Swelling Index." Second, three new categories of information for the coal in the lease at issue have been added: the free swelling index of the coal; estimated recoverable coal reserves; and anticipated sulfur content of the coal as it will be shipped. Third, a new category has been added for the potential lessee's other coal holdings: all bituminous coal not in one of the other categories specified in the proposal. Fourth each of the proposed categories related to the bidder's coal holdings is qualified by a new limitation to report only those high, and low and medium volatile bituminous coals with a free swelling index greater than 4.

To speed the transmission of information and the review process, the final rulemaking provides that any Department of Justice notification that a submission of data is inadequate will be communicated directly to the successful bidder, and simultaneously to the authorized officer. If, after submission of all required data, no word is received from the Attorney General within the 30-day period, no further delay is required; the authorized officer may issue the lease. In addition, the Department of Justice may notify the authorized officer in less than the 30-day period that it has no objection to lease issuance, and the lease may be issued. Finally, to ease industry fears for the confidentiality of these data, § 3422.3–4(h) has been added.

The Department of Justice proposes to apply the standard of review for finding *prima facie* inconsistency with the antitrust laws set out in its May 1978 and May 1979 Reports of the Department of Justice, *Competition in the Coal Industry*, GPO stock numbers 027–000–0678–7 and 027–000–0790–2, respectively. The Department of Justice and the Bureau of Land Managment will soon begin work on a memorandum of understanding to define the procedures

for the Department of Justice's exercise of its review roles in Federal coal lease issuance and transfer (see discussion of subpart 3453).

Section 3422.4(a), which covers the award of a lease, was modified to specify the minimum requirements of a Bureau of Land Management decision to award a lease. Section 3422.4(c) was revised, as suggested in a number of comments, to track the statutory requirement that 50 percent of the acreage, not of the tracts, per year be leased on a deferred bonus basis.

Subpart 3425—Leasing on Application

As a result of the large number of comments received on subpart 3425, the Department of the Interior has rethought its approach to procedures for competitive leasing in response to applications. Based on these comments, revised options regarding this component of the Federal coal management program were presented to the Secretary as part of the June 1 decisions. As a result of the comments and the Secretary's decisions, proposed § 3425.1–5, concerning "hardship" cases, has been, except for one subsection, deleted from the final rulemaking. The retained provision, renumbered § 3420.1–6, authorizes the issuance of a lease in response to any application listed in the modified court order in the *NRDC* v. *Hughes* case. The section was revised to make it clear that not just the listed applicants are qualified to bid for and receive a lease on such a tract; the authorization to lease in response to those applications includes the authorization to lease to any qualified high bidder. While the court order itself expired upon the Secretary's personal review and selection of the new Federal coal management program, the applications may, of course, still be processed, and the same considerations of the public interest that led to their listing in the court order still mean they should be processed outside the normal leasing process.

Section 3425.1–5 has been replaced with a new section which permits leasing outside of major production regions (discussed with respect to § 3420.3–1(a) above), in response to a lease application. There are no "emergency" or special need qualifications for applications under the new § 3425.1–5, other than the geographic location of the coal. Reserve tonnages of coal are not restricted in such leases. Before any decision to lease such lands is made, they will have to be included in a comprehensive land use plan or land use analysis consistent with the provisions of § 3420.1–5, and the application will have to be analyzed in compliance with the National Environmental Policy Act.

Competitive leasing in response to applications inside coal production regions will be more strictly controlled in the final rulemaking than in the proposed rulemaking. Applications inside coal regions will be accepted only if they meet the special needs delineated in § 3425.1–4. To reflect the change in the scope of the subpart, its title has been changed from "Emergency leasing" to "Leasing on application."

Although it does not appear as a part of this rulemaking, the Secretary of the Interior has adopted a policy to discourage a company very strongly from opening a mine which has insufficient reserves to operate successfully unless it subsequently obtains a Federal coal lease upon application under this subpart. This policy will be enforced by the Department of the Interior, in part through § 3425.1–4(c), in the exercise of the Secretary of the Interior's discretion not to lease in response to any coal lease application. As an example, § 3425.1–7 provides that any application may be rejected if leasing in response to the application would violate the normal leasing process under subpart 3420. All potential lessees of Federal coal should be aware that attempts to pressure the Department to lease by opening a mine with insufficient reserves will be unsuccessful.

The purpose section for subpart 3425 has been deleted from the final rulemaking because the subpart's purpose has changed and is now covered in the rewritten objectives section. The new objectives section also recognizes the new dual geographic nature of the subpart, with primarily emergency leasing in coal production regions and applicant-initiated leasing elsewhere. The policy section has been revised to reflect the Secretary's change of policy on the amount of coal to lease in emergency leasing cases. The amount of recoverable reserves leased will not exceed eight years of production regardless of the future course of activity planning under subpart 3420 in that area. Previously, if leasing activity under subpart 3420 was expected to reach the site of an emergency lease prior to the eight-year maximum term, the emergency lease period would have been shortened accordingly. This change may result in substantial administrative savings.

A comment requested the insertion of an authority section for subpart 3425. This request was not adopted because the authority for this subpart is set out in § 3400.0–3 and does not need to be repeated here. Another comment on this subpart asked that the bypass sale condition be set out apart from the emergency leasing conditions in the objectives section of the subpart. The Department of the Interior has treated bypass sales and other emergency sales under the same regulatory structure and there is no need to treat them separately. A few comments raised questions about the application form required by § 3425.1–2 of the proposed rulemaking. The requirement for a special or approved form has been deleted from the final rulemaking.

The largest number of comments on this subpart were directed to § 3425.1–4 of the proposed rulemaking, which was entitled "Emergency leasing critera—existing leases" in the proposal. Many comments were concerned about the language in § 3425.1–4(a)(2), which stated that the need for coal must have resulted from circumstances which were beyond the control of the applicant or which he could not have reasonably foreseen or been prepared for. The comments expressed the opinion that this was an imprecise standard and the Department should, especially in bypass cases, lease coal regardless of the circumstances to conserve the resource. The Department of the Interior is determined, however, that the emergency leasing provision will not be used to evade or frustrate the normal leasing process under subpart 3420. Bypass coal can and will be leased under the provisions of subpart 3420. The proximity of unleased Federal coal to an existing mine and the potential for bypassing the resource will be factors considered in tract ranking, selection and scheduling. But the existence of bypass situations will not be allowed to drive the competitive coal leasing component of the coal management program. Because of the mixed ownership patterns that exist in many areas, it may be easy for an operator to create a bypass intentionally. The Department believes, and this section clearly sets out, that such actions will not subvert the normal leasing process, even if minor amounts of coal are lost. An applicant who simply fails to participate or fails to prevail in the activity planning process will not generally be allowed a "second chance" through emergency leasing.

In § 3425.1–4, the language allowing the amount of coal leased to be the amount shown in a mine plan has been deleted in response to those comments that pointed out that no official mine plan can be approved by a regulatory authority showing unleased Federal

coal. Further, the language allowing contracted amounts of coal to control the amount which may be leased under this subpart has been deleted. Several commenters were concerned that this provision might invite abuse of the normal leasing process and of the basic concept of emergency leasing by inviting persons to get contractual commitments and then plead emergency. Because contracts have been used to determine lease reserve amounts and the proposed rulemaking indicated this policy would continue, contracts signed prior to the effective date of this final rulemaking will continue to be recognized as a basis for setting the amount of coal that will be leased under subpart 3425.

Some comments requested that the three-year period within which the operator would reach the coal in an emergency lease application be extended. This was not adopted; the three-year period is consistent with the purpose of this subpart and the amount of time necessary to process a lease application, hold a sale, and issue a lease in time to reach production. One comment requested that the standard for determining the amount of coal in subpart 3425 leases, i.e., annual average level of production, be specified as the production level at the time of the application. This comment has been accepted and is implemented by inserting the word "current" in § 3425.1–4(a)(1) so that the final rulemaking reads, ". . . to maintain an existing operation at the current average annual level of production." One additional comment on § 3425.1–4 requested a relaxation of the emergency leasing provisions for underground mines. No change was made as a result of this comment except to specify clearly that the reserve figure for leases issued under subpart 3425 is for recoverable reserves and not for reserves in place.

As noted earlier, many adverse comments were received on the hardship section of the proposed rulemaking, section 3425.1–5. The concerns raised in the comments were valid and the section has, with one exception described above, been deleted. This section was originally drafted to be applied mainly in areas outside the coal production regions used for Federal coal management. In these areas, coal activity planning would never occur because this broad-based approach to Federal leasing is not justifiable on the minor amounts of Federal coal present. A new § 3425.1–5 appears in the final rulemaking, which focuses directly on potential leasing actions in areas of lower Federal coal ownership. Basically, any coal lease sale outside a major coal production region or, in the case of the Southern Appalachian or Western Interior Regions, outside of the concentrated area of Federal coal ownership, may proceed on the basis of an application from a party interested in acquiring a Federal coal lease. There is no limit on the amount of coal offered for competitive sale in response to these applications.

No comments were received on § 3425.1–6 of the proposed rulemaking, renumbered § 3425.1–7 in the final rulemaking. This section sets the requirements for data that are to be submitted with the lease application. Except for the changes needed to conform this section with the remainder of the subpart and changes needed for clarity, the only difference between the section in the final rulemaking and the section as it appeared in the proposed rulemaking is the addition of the requirement to submit any known information related to paleontological values and to wetlands and floodplains in the descriptive material.

The reasons for rejection of an application are set out in § 3425.1–8 of the final rulemaking, which is § 3425.1–7 of the proposed rulemaking renumbered. The list of reasons for rejection has been shortened simply by stating that applications which violate any applicable regulations will be rejected, rather than enumerating specific requirements from applicable regulations as reasons for rejection. Because of this change, most of the comments on the section are no longer applicable. One comment did point out that reasons (7) and (8) of the proposed rulemaking were judgment factors to be applied by the authorized officer and should be deleted. The two reasons were left in the section because they are important factors and the authorized officer is capable of exercising his judgment on these points.

No change was made in § 3425.2 of the final rulemaking except for the deletion of the word "emergency" in the first line of the section. One commenter objected to the use of the phrase "land use analysis" rather than "land use plans" in § 3425.2. There was no change in this language because its use is consistent with the objectives of this subpart. Another comment on the section requested that bypass lease applications be exempted from the provisions of the section. This change would be counter to the Department of the Interior's policy of strict control of emergency leases, even if it were lawful. The Federal Coal Leasing Amendments Act prohibits lease issuance unless the lands have been included in a comprehensive land use plan or land use analysis and leasing is compatible with that plan or analysis.

Section 3425.3 has been changed to remove any reference to "environmental assessment records," which are the product of internal Bureau of Land Management procedures that may not be retained in their present form. Instead, the term "environmental assessment," as defined in § 3400.0–5 and used in the CEQ regulations governing agency compliance with the National Environmental Policy Act of 1969, has been used. The only other change to this section is the insertion of three lines in § 3425.3(a)(3) that were deleted during the final preparation of the proposed rulemaking due to a mistake in transcription. These lines specifically provide that reclamation potential is an environmental concern to be considered in the environmental assessment. The discontinuity in the language of the section was noted in some of the comments.

Finally, §§ 3425.4 and 3425.5 have been rewritten for clarity. The requirement for a public hearing is stated directly rather than alluded to as it was in the proposed rulemaking. The specific requirement for consistency with the diligence requirements was dropped in favor of a requirement for consistency with all the general lease terms required under the provisions of part 3470 of the Federal coal management program regulations.

Subpart 3427—Split Estate Leasing

The proposed rulemaking on subpart 3427, split estate leasing, included two specific requests for comments. The Department of the Interior received several replies to its request for comments on whether it should accept statements of refusal to consent during land use planning in the same process with surface owner consultation. The opinions expressed in the comments were split. After consulting the comments and studying the appropriate statutes, the Secretary of the Interior decided that the Congress intended that the acquisition of written consent and surface owner consultation be separate processes. Combining them in the land use planning process blurs their differences and thereby weakens both. For this reason, the Secretary decided that surface owners' statements of refusal to consent will not be accepted during land use planning. A further reason for this decision was to ensure that surface owners have all the information developed from the land use plan before they make a final decision

on whether or not to give written consent. This decision is reflected in § 3427.2(a)(2) of the final rulemaking.

The other area on which the Department of the Interior solicited comments in connection with subpart 3427 was on whether the Bureau of Land Management should acquire consents from any qualified surface owners who seek to grant consent to the Secretary of the Interior rather than to any coal company or private party, in order that the coal underlying their land can be considered for leasing. Only four comments were received in response to this solicitation. Three of the comments supported allowing the Bureau of Land Management to negotiate directly for consents. None of the comments was sufficiently persuasive to make the Secretary change his position in the preferred program that the Department of the Interior will not acquire or negotiate consents from qualified surface owners. This task will be left to industry and the private marketplace, although the Secretary will not lease tracts on which written consent is acquired by industry unless: (a) the consent is transferable as provided in § 3427.2(e)(2); and (b) the United States receives fair market value for the Federal coal in issuing the lease (see Solicitor's Opinion M–36909, 86 I.D. 28 (1979)).

In response to several comments that questioned the authority of the Department of the Interior under section 714 of the Surface Mining Act to promulgate portions of the proposal, a reference to a Solicitor's Opinion that clarifies the relationship of surface owner consent to the Department's discretion to lease or not to lease and its obligation to receive fair market value for the leasing of Federal coal has been added to § 3427.0–3. Also, a § 3427.0–7, "Scope," has been added to the final rulemaking. This new section makes it clear that the subpart does not apply to preference right lease applications or to situations in which the coal will be mined by underground mining techniques. These changes, which merely state the law, answer questions posed in several comments.

A comment on § 3427.1 asked that the time in the sale process by which surface owner consent must be submitted be made as late as is allowed by the statute, in other words, through sale to the piont of lease issuance. This change was not adopted because it would conflict with Departmental policy on this point set out in § 3420.2–6(b). This policy was adopted in large part to prevent undue, intense pressure from being applied to the non-consenting surface owner in some cases, and to minimize conflicts with other statutory responsibilities. That latter situation could result in a wholly unwarranted failure to lease. The Department will delete tracts from consideration at a point in the process early enough to avoid whichever of these undesirable situations may be the case.

As mentioned earlier, § 3427.2 has been modified to incorporate the decision of the Secretary of the Interior regarding when qualified surface owners may file statements of refusal to consent. A further modification was made in the section to allow any party with a potential interest to file surface owners' statements of refusal of consent during activity planning, which are then verified under § 3427.2(f). This new procedure in the final rulemaking replaces the language of § 3427.4 in the proposed rulemaking which has been deleted. Proposed § 3427.4 itself was the subject of a great deal of adverse comment raising the point that its language appeared to be espousing management-by-hearsay. Proposed § 3427.4 was deleted from the final rulemaking because it created so much controversy and was generally misunderstood.

Section 3427.2(d) has been revised in response to a comment that its provisions should not apply to all split estate lands, but only to those held by an owner qualified under section 714 of the Surface Mining Act. This comment, which was applicable to other sections of the subpart, is also reflected in the new "Scope" § 3427.0–7.

A few comments requested that § 3427.2(e) be revised to specify that holders of transferable consents be compensated by the successful bidder for the overhead or "administrative" cost of acquiring the consent, as well as any actual consideration already paid to the surface owner for the consent. This change was not made because the Department of the Interior has no obligation to require one bidder to reimburse another bidder for its overhead, salary and related expenses.

The term "interest in the lease sale," which appeared in § 3427.2(e)(1) of the proposed rulemaking, has been changed to "potential interest in the lease sale" to emphasize that a strict legal construction of the word "interest" was not intended as some commenters feared. In this same section, the word "company" is changed to "party" in response to comments. Another change in the section was that consent only has to "allow" certain things to happen (payments to be made or events to occur) to be considered transferable rather than "provide" that they must occur as the proposed rulemaking stated. This change should mitigate the impact of the program decision to require that consent be transferable. Industry should still have an incentive to seek necessary consents, and the Department of the Interior will still accomplish its purpose of assuring that Federal coal is not locked out from consideration and competition for leasing.

Section 3427.2(i) has been amended to require only the publication of the purchase price of the consent in the lease sale notice, with inclusion of its other terms in the detailed description of the tract available to potential bidders and other interested parties. This amendment was made to achieve administrative savings. A comment requested that a reading to the surface owner of his rights be included with the verification of a filing. This action would be inappropriate for the Bureau of Land Management, whose role should be that of a disinterested party in the acquisition and granting of consents. For this reason, the change was not adopted. To ensure that surface owners understand the statutory role they play in coal management decisions, and to assist them to understand consultation and consent procedures, however, the Bureau of Land Management expects to prepare informational materials for distribution to them.

A request was made in a comment to allow refusals of consent to be more easily renounced. This change was not made because it would remove one of the main reasons for having such statements, namely the avoidance of exposing surface owners to continuing pressure to grant consent. Another comment requested that surface owners' refusals to consent be given a specified time to run. This request was not accepted because it would cause unneeded rigidity. The language of the proposed rulemaking, carried into the final rulemaking, will retain the flexibility needed, and serve all of the Department's purposes: refusals will not be lightly made because of their length of life; and surface owners can exclude the coal underlying their lands to avoid continual pressure to consent. The Department expects that a refusal to consent will strongly signal industry that no further efforts should be made to bargain with that surface owner until the plan is revised. Finally, as noted earlier, 3427.2 of the final rulemaking has been modified to incorporate the intent of § 3427.4 of the proposed rulemaking which has been deleted.

Section 3427.3, which requires a filer to attest to the information filed, is unchanged even though one comment requested that the section be deleted.

Section 3427.5 of the final rulemaking, § 3427.6 in the proposed rulemaking, has been modified to delete the requirements that tracts subject to pre-existing consents that are not transferable be leased only through intertract bidding sales. The codification of this firm policy of the Department of the Interior in a regulation might be thought to be a function transferred by the DOE Organization Act to the Secretary of Energy as a regulation related to bidding methods and promoting competition for Federal leases. Consideration is being given to asking the Department of Energy to incorporate this provision in its regulations. The provision was the subject of mixed comments.

Subpart 3430—Preference Right Leases

Subpart 3430 received a significant number of comments. The comments were principally directed to: (1) the provisions of the proposed rulemaking incorporating various unsuitability requirements as lease terms; (2) the unclaimed, undeveloped limitations; (3) the right of the Department of the Interior to use the commercial quantities standard for pending applications; (4) the amount of detail required for a mining plan under the final rulemaking; (5) the extent of the efforts of the Department of the Interior to cancel applications for procedural violations; (6) the confidential treatment to be afforded to reserve data; (7) the application of the surface owner consent provisions of section 714 of the Surface Mining Act to preference right lease issuance; and (8) the determination of royalty for preference right lease applications.

In response to these comments, and as a result of reconsideration of this subpart, including the analysis in the Secretarial Issue Document, many changes have been made in this subpart. These changes have not, however, altered the fundamental effect of the subpart. The subpart continues to require that a person must show he has discovered a commercial coal deposit that he is likely to be able to mine at a profit after consideration of all of the costs of complying with the lease terms and all applicable laws and regulations. The final rulemaking continues to bar mining which cannot be done in accordance with the unsuitability standards and to require a preference right lease to include all current lease terms and requirements.

Section 3430.0–3 has been amended to include a reference to the Solicitor's Opinion which construed the language of section 2(b) of the Mineral Leasing Act, prior to its amendment in 1976 (30 U.S.C. 201(b)(1970)), authorizing the issuance of coal prospecting permits only on unclaimed, undeveloped land.

While it is not express in § 3430.2–1(a), the standards set out in Geological Survey Bulletin 1450–B will govern determinations of reserves in place, recoverable reserves, and other resource determinations that are part of the applicant's initial showing and the Department's final decision on whether commercial quantities of coal were discovered on the permit lands.

Section 3430.2–2 has been revised and a new § 3420.2–3 has been added to the final rulemaking to restore the authorized officer's ability to give a lease applicant an extension of time to supply incomplete information related to the initial showing and unclaimed development.

This authority was omitted from the proposed rulemaking because it was mistakenly believed that all BLM State Offices had already made the 60-day request to all applicants for any necessary additional information. This was not true. The change restores the time periods provided in the May 7, 1976 final rulemaking governing preference right lease adjudication. Section 3430.2–2 has also been amended to allow the authorized officer to request any other information that might be necessary, and § 3430.5 has been modified consistent with this to allow the authorized officer to reject an application if that information is not submitted.

Section 3430.3–1 has been revised to conform to the decisions reached in the Secretarial Issue Document on processing noncompetitive (preference right) lease applications. The Secretary's decision was to process noncompetitive lease applications in the cycle of ongoing land use plans unless the application would not be processed by December 1, 1984. The final rulemaking also gives each lease applicant the opportunity to ask the authorized officer when its application will be processed and to explain how earlier processing of the application will benefit the applicant. If the applicant can show, to the satisfaction of the authorized officer, that processing the application in the normal cycle of land use planning will cause the applicant substantial hardship, the Department of the Interior will, if possible, advance the time for processing the application.

The Secretary's decision reflects two important points to be implemented in these regulations. First, it is the policy of the Department of the Interior to process these applications in concert with land use planning efforts, and where lease operations would be incompatible with the land use plan, to take appropriate action such as including protective stipulations in the lease, seeking an exchange of lease rights or seeking legislation to purchase or condemn the incompatible lease. While compatibility with land use plans is not a legal prerequisite to preference right lease issuance, the land use planning effort for that area, in conjunction with the environmental analysis of the lease application, will yield the data and understanding that will best meet the Department's objectives under the National Environmental Policy Act in preference right lease issuance, and will do so in a much more efficient manner than in a process of individual lease application study. (See *NRDC* v. *Berklund*, 458 F. Supp. 925, 938 (D.D.C. 1978), *appeal pending*.) Where lease applications are processed outside of the planning process, the Department will evaluate land use planning related questions in the environmental analysis of the lease application.

Second, the Secretary's decision reflects the Department's position that it has an obligation to process all applications and after processing, to reject, issue or take other appropriate action within a reasonable time. In view of the resources available to the Department of the Interior, the need for coal and the amount of time needed to comply with the Mineral Leasing Act and the National Environmental Policy Act, the slightly more than five-year period provided for completing processing is reasonable. This is particularly true when one considers that a delay in processing is, in many circumstances, not detrimental to the applicant. During the processing period, the applicant retains control over the lands covered by the application without payment of rent and with no obligation to produce coal as is required by the diligence requirements. The marginal quality of the coal in some of these applications, coupled with the current buyer's market for coal, may make the delay advantageous to some applicants. In instances where the applicant can show that processing delay would clearly be harmful, the final rulemaking gives the applicant a clear course to pursue.

Section 3420.3–2(c) has been revised to state that conditioning or prohibiting operations on all or any part of a preference right lease to protect lands assessed to be unsuitable under the criteria in § 3461.1, or found to be improper for any or all types of mining operations for other environmental or resource management reasons, is the Department's primary tool to protect against adverse environmental effects. The proposed rulemaking retained the possibility, if lease conditions alone were not adequate, of deleting lands from the lease area, rather than leasing subject to conditions. As a general matter, there have been misconceptions about the Federal lands review. In most cases, lands affected by the review will be *conditioned*, not excluded from leases. Changes have been made in the unsuitability criteria to emphasize that the surface management agencies must consider assessing lands as unsuitable for certain stipulated methods of coal mining, as well as for all methods of mining. With respect to preference right leasing, lease conditions and stipulations are even more appropriate than deletion of lands because of the lease applicant's prior expenditures, although either is legally acceptable.

The Department of the Interior has had the authority since 1920 to put necessary terms and conditions in all mineral leases "for the protection of the interests of the United States . . . and for the safegarding of the public welfare." (30 U.S.C. 187). The Mineral Leasing Act was enacted to give the Department of the Interior greater authority over mineral development on public lands, to protect the interests of the entire country in the wise development of the nation's energy minerals, than it previously had. As the Supreme Court said in *Boesche* v. *Udall*, 373 U.S. 472, 481 (1963), the Mineral Leasing Act was passed "to expand, not contract, the Secretary's control over the mineral lands of the United States."

For many years, the Department of the Interior has aggressively exercised this authority and similar authority granted under other acts, such as the 1917 Potash Act, to protect a variety of environmental and natural resource interests. In *Issuance of Permits to Prospect for Potassium Upon Lands Embraced Within Oil and Gas Prospecting Permits*, 51 L.D. 180 (1925), decided soon after enactment of the Mineral Leasing Act, Assistant Secretary Finney advised the Commissioner of the General Land Office that the Department could decide to issue a potash prospecting permit only on the condition that the permittee waive his rights to a patent to one-fourth of the land in the permit, upon discovery of a valuable deposit of potash, and instead accept a lease for the same area. This was done to make the land available for oil and gas development available as well for potash development. *I.A. Smoot*, 52 I.D. 44 (1927). In *Montana Power Co.*, 72 I.D. 518 (1965), the Department decided it had the authority to require a coal lessee to reclaim private surface over Federal coal. Since 1970, the Interior Board of Land Appeals has often sustained the Bureau of Land Management's authority to impose lease terms in oil and gas leases to protect the environment. *Quantex Corp.*, 78 I.D. 317 (1971) (protection of wildlife and watershed values); *Cartridge Syndicate*, 25 IBLA 57 (1976) (protection of archaeological and historic sites); *Richard Cullen*, 18 IBLA 414 (1975) (seasonal access to protect antelope winter range); *William S. Burness*, 1 IBLA 180 (1970) (protection of oil shale resources). This brief synopsis shows that even before the Congress passed the Surface Mining Act, the Department of the Interior had asserted extensive authority to insert appropriate stipulations and conditions in a lease to protect the public interest.

The Surface Mining Act did not contract this authority; it expanded it. The Department of the Interior must conduct a Federal coal lands review and withdraw from leasing or condition coal leases that are issued, based on the results of that review, when available (30 U.S.C. 1272(b)). The Surface Mining Act also requires the Department of the Interior to make sure that all leases which authorize surface mining operations incorporate the requirements of the Surface Mining Act (30 U.S.C. 1273(a)). The Surface Mining Act also specifically bars the approval of mining plans, including those on Federal lands, where the lands have been designated unsuitable for that type of mining operation (30 U.S.C. 1250(b)(4)). Both the Mineral Leasing Act and the Surface Mining Act, as well as the Secretary of the Interior's general management authority over the public lands, clearly give the Secretary the right to put terms in a lease to address the adverse environmental impacts that the Congress sought to prevent or mitigate with the enactment of the Surface Mining Act.

The existence of a preference right lease application is not a shield to the exercise of this authority to set proper lease terms. The Department has a long-standing practice of in no way guaranteeing to any preference right lease applicant that the lease he might receive will contain the terms and conditions in use at the time the permit was issued. In 1935, the Department of the Interior rejected the objection of an oil and gas preference right lease applicant to a lease provision regarding unitization of lease operations. *Montana Eastern Pipe Line Co.*, 55 I.D. 189 (1935). The decision states that the Department of the Interior has the right to set lease terms and that this construction of the Mineral Leasing Act has "been followed from the date of its enactment" and has included modifications of the lease form to require "compliance with the provisions of the codes of fair competition." 55 I.D. at 191. Finally, the Assistant Secretary rejected the contention that a term cannot be in the lease if it was not in the permit:

> The permittee, in proceeding under the permit, is not entitled to rely on the fact that he will secure the form of lease in use at the date his permit is acquired. The act provides that the permittee, upon the establishment of the required facts, shall be granted a lease, but it does not contemplate he shall acquire a vested right to a particular form of a lease. The terms and conditions of a lease . . . are left to the discretion of the Secretary. . . . Certainly it seems that if an alteration in conditions . . . requires the modification of the lease form to effectuate the policy of the Act, the Secretary not only may, but should, so modify the lease form.

Id. at 191, 192. This is equally true now. While a preference right lease applicant has a "valid existing right" to have its application adjudicated in a reasonable period of time, and a right to be issued a lease or otherwise compensated if it shows under the Department's regulations that it discovered coal in commercial quantities, *NRDC v. Berklund*, 458 F. Supp. 925 (D.D.C. 1978), *appeal pending*, it has no "valid existing right" to have any particular set of lease terms or conditions because the Secretary's decision on lease terms is discretionary. See *American Nuclear Corporation v. Andrus*, 434 F. Supp. 1035, 1037–38 (D. Wyo. 1977). These principles were recently endorsed again in *Utah International, Inc. v. Andrus*, Civil No. C77–0225 (D. Utah, June 15, 1979).

For these reasons, the Department of the Interior has the authority to impose lease terms to require a preference right lease applicant to mine coal only in accordance with the findings of the Federal lands review. This is true even where the overall effect of the conditions, coupled with the lease applicant's obligations to meet all other lease terms and to pay rent, royalty, meet diligence requirements and the lease applicant's inability to receive a

sufficiently high price for the coal that can be mined, results in the Department's finding that the applicant does not have the reasonable likelihood of making a profit. *NRDC v. Berklund, supra.* The only limitations on the authority to impose such lease conditions are the provisions in section 522 of the Surface Mining Control and Reclamation Act itself, which exempt certain operations from the application of unsuitability judgments based on that section—for instance, where the operator has made "substantial legal and financial commitments." In an appropriate case, the Department would not impose lease conditions on a preference right lease application where the applicant had made the expenditures required by 43 CFR 3400.0–5(uu).

As stated earlier, the proposed rulemaking provided that lands in areas assessed to be wholly unsuitable in the Federal lands review would be excluded from the lease area under the final rulemaking, any land that can otherwise properly be included in the lease (i.e., that contains coal, and that was not "claimed" or "developed" at the time of permit issuance, and that was not withdrawn from leasing) should be included in the lease with the appropriate protective stipulations. As one comment suggested, the Department of the Interior might, if appropriate, limit a lease to underground mining only, just as it has limited oil and gas lease to directional drilling only to protect surface uses. The final rulemaking reflects the long-standing position that the Secretary may condition mineral leases for such reasons.

Section 3430.5–1 has been revised to state clearly that the Department of the Interior will reject those applications derived from permits issued in violation of the "unclaimed, undeveloped" limitation of the statute, and those applications defective for failure to meet other requirements, such as failure to pay rent on time, or lack of qualification to hold a lease. These grounds were implicit in the proposed rulemaking but have been made explicit in the final rulemaking.

Section 3430.5–1 has also been revised to make it clear that the Department may reject a noncompetitive lease application after reviewing the initial showing on the substantive ground that the applicant failed to meet the commercial quantities test. For example, the Department may reject all or part of an application for failure to meet the test if the initial showing fails to show any coal or such limited or low quality coal that mining could not be expected to take place. This authority will be exercised only in clear situations; where there is reasonable doubt, the application will be processed fully. The provision avoids any unnecessary expenditure of time and personnel on applications that have no merit.

The final rulemaking does not adopt a request by one commenter that the Department reevaluate whether the Geological Survey properly determined that the "existence or workability" of the coal in the lands was not known at the time each prospecting permit was issued or extended. This finding was a statutory prerequisite to issuance of prospecting permits. This initial determination was a technical one which was the responsiblility of the Geological Survey. In most instances, these determinations were made long ago, as early as 1964 for some permits. In these circumstances, it is not equitable for the Department now to second-guess these determinations where the Bureau of Land Management requested the Geological Survey to decide whether lands were eligible for prospecting and the Geological Survey responded that they were. The Department will continue to give these determinations a presumption of administrative regularity and assume that all necessary findings were properly made. The Department will not systematically inquire into the correctness of those decisions. Although the Department has not altered the final rulemaking to adopt this comment in full, it will revise its adjudication procedures to satisfy part of this commenter's concerns. If a case file does not contain the required conclusion by the Geological Survey that a prospecting permit could issue, then the presumption of administrative regularity does not apply, and the Department will no longer assume that the proper findings were made. The Department will examine in such a case whether the permit was properly granted. If this examination shows that the existence and workability of the coal were known at the time of permit issuance, the lease application will be rejected.

Some minor changes have been made to various sections of this subpart to clarify the application of the unclaimed, undeveloped requirements and to reflect the need for the analysis of certain alternatives in complying with the National Environmental Policy Act.

Subpart 3431

Subpart 3431 implements the authority given the Department of the Interior by the Act of October 30, 1978, to sell to the holder of a right-of-way, issued under Title V of the Federal Land Policy and Management Act, coal that will be removed as a necessary part of the construction of the right-of-way.

One comment on subpart 3401 suggested that necessary rights-of-way be assured all Federal coal lessees as part of the lease. While this subpart does not address these types of rights-of-way, the Secretary of the Interior decided that the acquisition of necessary rights-of-way for transportation and support facilities used in connection with Federal leases will not be assured or guaranteed by the Bureau of Land Management.

Several questions were raised in the comments about whether this was an application procedure, or whether the Department of the Interior might require someone to extract coal under this subpart. As § 3431.2(d) provides, this subpart applies to applicants or holders of rights-of-way across public lands. In exercising its discretion to grant or deny a right-of-way, the surface management agency may include conditions related to the extraction and sale of the coal in the right-of-way grant.

Section 3431.1 has been revised to track the language of the statute. As several comments pointed out, the statutory provision is intended to describe the case where it is physically impossible to construct the right-of-way without digging or affecting the Federal coal, not any legal requirement that the holder of the right-of-way extract it.

One comment noted the absence of any tonnage limitation in the subpart. There is no express statutory limitation. The removal of coal, however, must be incidental to the right-of-way; mining that coal cannot be the purpose of the right-of-way. The ultimate limits on the subpart are derived from the Secretary of the Interior's discretion to reject a right-of-way application that does not meet the standards for a true right-of-way, and the Surface Mining Act, which may require a mining and reclamation permit if the amount of coal to be removed is substantial enough. The public interest is protected by the requirement that fair market value be received for the coal, no matter how much is extracted. Section 3431.2(b) (where Federal coal lease development is involved) and section 3431.2(c) (where it is not) have been revised to clarify that formal maximum economic recovery will not be required. Conservation of the coal and other resources will be required, however, as will compliance with the Surface Mining Act, and health and safety laws as otherwise required.

Subpart 3432—Lease Modifications

Subpart 3432 prescribes the provisions for the modification of existing leases to include contiguous unleased acreage. Several commenters objected to the prohibition against the addition of lands to a lease by modification if the surface of split estate lands was owned by a qualified surface owner. This prohibition is required by section 714 of the Surface Mining Act, the surface owner consent provision (30 U.S.C. 1304(b)). That section states that coal subject to its provisions, where the surface is held by a qualified owner and the coal is to be mined by other than underground techniques, may only be leased under section 2 of the Mineral Leasing Act. Section 2 is the competitive leasing section, while section 3 of the Mineral Leasing Act authorizes lease modifications. (Memorandum on November 2, 1978, from Associate Solicitor, Energy and Resources, to Director, Office of Coal Leasing, Planning and Coordination, "Legal Issues in the Draft Coal Regulations"). This conclusion, which flows directly from the statutory language, does not mean that the coal cannot be leased, only that it cannot be added to a lease by modification. It could still be leased under subparts 3420 or 3425.

Section 3432.2(c) was amended to make it clear that the Department of the Interior has no intention of attempting to ignore the requirement of the Act of October 30, 1978, that the royalty on the lands in the original lease (issued prior to enactment of the Federal Coal Leasing Amendments Act on August 4, 1976), be unaltered by addition of the new acreage subject to a new royalty rate.

A comment pointed out that § 3432.3(a) failed to provide whether a modification to a lease issued *after* August 4, 1976, would result in the adjustment of that original lease's royalty. It could, but the final rulemaking is not revised to speak to the question. The Department of the Interior is not inclined to exercise that discretion on other than a case-by-case basis, if and when such a case arises.

Subparts 3435, 3436, and 3437—Exchanges

Subpart 3435 of the final rulemaking is not significantly different from the proposed rulemaking. It carries forward the existing regulations issued in December 1977 for the issuance of leases or lease interests in exchange for the relinquishment of coal leases or preference right lease applications. The parallel non-coal mineral lease exchange regulations will remain in Group 3500 of Title 43 of the Code of Federal Regulations. The final rulemaking carries forward the requirement that a preference right lease applicant must demonstrate the discovery of commercial quantities of coal on the applied-for lands before an exchange involving those lands can be consummated.

The final rulemaking also carries forward the policy enunciated by the Department of the Interior in hearings on S. 3189, the generic coal leasing exchange authority legislation in the 95th Congress, that the Department would seek authority to consummate an exchange only in a case where the constraints of the Surface Mining Act could not lawfully be applied to prevent environmentally unsatisfactory mining from occurring.

One important change in the final rulemaking was to conform it to the provisions of the Federal Coal Leasing Amendments Act, requiring consultation with the Attorney General in the issuance of Federal coal leases. A new § 3435.3–7 has been added to the subpart to accommodate this requirement whenever a coal lease would be issued in exchange. The new section incorporates the coal holdings review and procedures set out in § 3422.3–4 of this rulemaking.

Several comments on this subpart questioned the authority for it. The reference to section 1 of the Act of October 30, 1978 is self-explanatory. That section authorizes the Secretary of the Interior to consummate several named possible exchanges. The reference to section 510(b)(5) of the Surface Mining Act is likewise self-explanatory. That section expressly authorizes the Secretary of the Interior to consummate exchanges dealing with Federal leases (and private coal) in Western alluvial valley floors. The authority for 43 CFR Subpart 3526, the non-coal mineral lease exchange regulations from which subpart 3435 is largely derived, is set out in a memorandum of November 9, 1976, from the Associate Solicitor, Energy and Resources, to the Director, Bureau of Land Management, "Authority for exchange of rights under the Mineral Leasing Act." That memorandum discusses the authority to issue sodium, phosphate and potash leases by "advertisement, competitive bidding, or such other methods as the Secretary may by general regulations adopt." That precise authority was repealed for coal leasing by the Federal Coal Leasing Amendments Act of 1976. The November 9 memorandum goes on to describe how *cash* bonus bidding is not required for competitive coal leasing. This fact underlies the concept of a "certificate of bidding rights." Coal lease modifications in exchange are not discussed in that memorandum, but they are simply derived from the Secretary's discretionary authority in section 3 of the Mineral Leasing Act to modify coal leases (30 U.S.C. 203), the general Congressional policy that Federal property and natural resources should be disposed of only for fair value (31 U.S.C. 483a and 43 U.S.C. 1701(a)(9)) and the Secretary's authority to promulgate regulations necessary and proper to carry out the purposes of the Mineral Leasing Act (30 U.S.C. 189).

By and large, most of the comments were concerned with the lack of detailed standards and procedures in the regulations for the implementation of the subpart. The detailed procedure for carrying out the regulations will be established in the Bureau of Land Management instruction memorandum or manual sections covering this subject. This final rulemaking sets forth a general framework of standards and procedures for a very complex process which will be delineated in detail in instruction memoranda or manual sections.

Unlike coal lease modifications, exchange coal leases are not barred on split estate lands. In fact, an exchange lease for lands in an alluvial valley floor under section 510(b) of the Surface Mining Act can be issued without surface owner consent, since section 510(b)(5) grants the exchange authority "notwithstanding any other provision of law." An exchange lease under section 1 of the Act of October 30, 1978, may be subject to surface owner consent, but it can still be issued, since section 1 grants the exchange leasing authority notwithstanding any law to the contrary, and "notwithstanding . . . section 2(a)(1) of the Mineral Leasing Act." If the surface owner consent provision were construed to be "contrary" to section 1, then it would be inapplicable to such an exchange lease. The two provisions might be compatibly construed, however, if section 714(b)'s injunction to lease split estate coal to be surface mined only through competitive bidding is seen as overridden by the "notwithstanding" clauses of section 1.

For the purposes of § 3435.3–6(b), issuance of a certificate of bidding rights in an exchange is presumed to be a multi-state transaction.

One comment made the observation that § 3430.5–3(b) contained adequate criteria for the exchange of preference right lease applications and there was

no need for a general subpart dealing with exchange. These subparts provide procedures as well as substantive criteria, and deal with lease exchanges as well as preference right lease application exchanges. Other comments spoke of unnecessary burdens placed on a lessee who is a party to an exchange. No person can be compelled to consummate an exchange. Each lessee or lease applicant can assess the "burdens" of the process in deciding whether to enter into exchange negotiations. These and other points were carefully considered during the preparation of the final rulemaking but did not result in any changes.

Subpart 3436 of the final rulemaking implements the alluvial valley floor lease exchange authority contained in the Surface Mining Act. Section 3436.0–1 has been expanded to include the language "or materially damage the quantity or quality of water in surface or underground systems that supply these alluvial valley floors," to be fully consistent with section 510(b)(5) of the Surface Mining Act (30 U.S.C. 1260(b)(5)). Further, § 3436.2(a) has been expanded to enable the Department, as well as any qualified lessee, to propose an exchange.

Most of the comments on this subpart were concerned with § 3436.1(a). Several comments favored deleting the phrase "and who otherwise meets the criteria in the proviso in § 510(b)(5) of the Surface Mining Control and Reclamation Act of 1977." Others were of the opinion that the requirement of substantial financial and legal commitments is too restrictive. The language of § 3436.1(a) is necessary in its entirety to comply with the provisions of the statute, and no change has been made in the section. Several concerns were also expressed in the comments about the procedures under which this subpart would be carried out. As discussed above, the details of the process will be established as part of the Bureau of Land Management's instruction memoranda or manuals provisions on coal management.

Subpart 3437 is designed to assist in implementing the alluvial valley floor land exchange authority (private lands for Federal lands, with no lease interest involved) contained in the Surface Mining Act. No significant changes were made between the proposed rulemaking and the final rulemaking. Note, however, that all exchange requests that are found qualified will be handled in accordance with the general exchange provision in subpart 2200 of Title 43 of the Code of Federal Regulations. Therefore, the provisions of this subpart only provide the qualifying criteria for coal land exchange requests that may result in the consummation of an exchange under subpart 2200. As in subpart 3436, the purpose section has been revised to include the statutory language "or materially damage the quantity or quality of water in surface or underground systems that supply these alluvial valley floors."

A large percentage of the comments on this subpart were concerned with what was regarded as too strict an interpretation of what is a "substantial financial and legal commitment." These comments were directed to proving that the term "substantial *financial and legal* commitments," as used in the proviso to section 510(b)(5) of the Surface Mining Act, the so-called Wallop Amendment, is different from the term "substantial *legal and financial* commitments" used in section 522(a)(6) of the Surface Mining Act, the exemption from the application of certain unsuitability criteria. The Department is researching whether this distinction is soundly based in law or policy. The final regulations simply use the different statutory phrases, and do not define the former phrase used in subparts 3436 and 3437. The Department will conclude whether the phrases have the same or different meaning in some appropriate forum other than this rulemaking, whether in adjudicating an exchange proposal, in a policy statement or in a legal opinion. As discussed above, this language is taken directly from the Surface Mining Act. Other comments relating to the detail of the exchange process will be handled, as discussed above, by internal Bureau of Land Management directives rather than in this rulemaking.

Section 3437.1–1 was changed to consider the owner or his lessee's substantial financial and legal commitments, in recognition that the landowner and coal operator may not be the same. If an exchange were consummated, the deed of Federal lands would be issued to the landowner, not the operator. Whether or not the owner makes whole the operator-lessee whose efforts (investment or permit application) led to qualification for an exchange will be a major consideration in assessing whether it is in the public interest for the Secretary to exercise his discretionary authority to consummate an exchange.

Subpart 3440—Licenses to Mine

The provisions of subpart 3440, which govern licenses to mine coal for domestic use, were restructured but not revised in substance. The subpart collects the requirements to mine for domestic use and combines them in one place. Several comments asked for the inclusion of a definition of the term "domestic use." The definition has not been added to the final rulemaking, but in common usage, domestic use embraces burning coal in a fireplace, boiler or elsewhere in a house. Section 3440.1–3 contains what amounts to a definition by prohibiting nonhousehold uses. Another comment wondered why a corporation could not hold a license to mine. The statute (30 U.S.C. 208) authorizes only two classes of corporations to hold a license to mine—municipalities and relief agencies.

Subpart 3451—Readjustment of Leases

Subpart 3451 of the proposed rulemaking concerns the readjustment of coal leases. It has been substantially revised as suggested in a number of comments and to conform to the Secretary of the Interior's decision to readjust lease royalties to the prescribed statutory and regulatory minimum rates. A new paragraph 3451.1(a)(2) implements that decision.

Comments received from industry objected to the Department of the Interior's assertion of the authority to readjust leases when the lessee was not so notified at the 20-year anniversary date, and to readjust leases with anniversary dates preceding enactment of the Federal Coal Leasing Amendments Act on August 4, 1976, to conform to the minimum royalties required by law after August 4, 1976. The Secretary of the Interior, acting through the Board of Land Appeals, has reaffirmed the Bureau of Land Management's authority to make such readjustments, *California Portland Cement Co.*, 40 IBLA 339 (May 10, 1979), and it is the Department's policy to proceed with these readjustments.

Several industry comments also objected to section 3451.1(b), which is consistent with the readjustment policy discussed above, and applies to leases with anniversary dates between August 4, 1976 and June 1, 1980. As evidenced by section 3451.1(d), the Department of the Interior is meeting the concern behind the industry objections by providing that beginning with June 1, 1980, failure to notify the lessee of readjustment prior to the readjustment anniversary date will constitute a waiver of the right to readjust. In turn, this provision was roundly criticized by public interest groups in their comments because they regarded it as an abrogation of authority. The Department's position is that while it is

wholly lawful to readjust existing leases that were not readjusted on, or where notification of readjustment did not occur before, their anniversary dates, the Department will, beginning with June 1, 1980, assure timely and competent administration of leases by self-imposition of the sanction of waiver. This will guarantee accountability, and will prevent any future situation like that which prevailed with respect to lease readjustments during the early 1970's. On such leases, the notice whether the lease will be readjusted or not will be sent prior to the readjustment anniversary date, or the opportunity to readjust will be lost.

Section 3451.1(c) has not been changed in substance, although the last line of the section has been revised—the provisions of the readjusted lease will incorporate the regulatory diligence requirements.

Section 3451.1(d) was also revised to remove the unintended implication, found by one commenter, that the Department of the Interior intended to readjust leases prior to the 20-year anniversary date of the lease.

Section 3451.1(e) has been revised at the request of the Department of Justice to delete the requirement that all readjustments must go through the same submission of coal holdings information and antitrust review provided for lease issuance. The Department of Justice seeks to review the antitrust implications of only those cases where coal holdings change ownership or control, such as lease issuance or lease assignment. The Department of Justice will continue to be notified of readjustments, however, in case it wishes to exercise its statutory right to review readjustments.

One commenter was concerned that § 3451.2(c) reserved to the authorized officer the authority to nullify the lessee's right to appeal an adverse decision under 43 CFR 4.400. It does not; it is intended to reserve some discretion to the authorized officer in establishing procedures for the discussion and settlement of issues before he issues an appealable decision.

Subpart 3452

Section 3452.1–1 was criticized by one commenter who felt that maximum economic recovery would be frustrated by the acceptance of any relinquishment of coal reserves in a lease. No change was made in the section because the requirement of maximum economic recovery is one of the important components of the public interest to be considered in determining whether it is in the public interest to accept a relinquishment under this section.

Section 3452.1–2 has been revised in accordance with the Department of the Interior's practice of allowing a relinquishment, upon approval, to relate back to the date of its filing. Thus, if a relinquishment were filed on January 1, it would not be accepted until rentals accrued up to January 1 were paid. Even if the back rentals were not paid and the relinquishment not accepted until June 1, however, no rental would accrue between January 1 and June 1.

Section 3452.2 has been edited to use the parallel structure "default, breach or cause of forfeiture" whenever appropriate. Section 3452.3(a) was revised, in response to a comment, to add "continued operation." It was also revised to delete "or readjusted on or after August 4, 1976," since the Department of the Interior regards that provision of section 6 of the Federal Coal Leasing Amendments Act as applying only to leases *issued* after August 4, 1976. Finally, § 3452.3(b) was erroneously typeset and the exchange-related portions of the proposed section have been relocated in section 3461.4 of the final rulemaking.

Subpart 3453—Transfers of Leases

The provisions of subpart 3453 governing transfers of leases and interests in leases have been revised in several major respects to conform to the Secretary of the Interior's decisions on the subject. The Secretary's decisions establish a policy that the Department will more aggressively monitor the resale of Federal leases for reasons discussed below relating to specific changes in the rules.

Section 3453.2–2(a) has been amended to make it clear that it is record title interests, not all interests, that must be filed for approval. Section 3453.2–2(b) has been revised to make it clear that the statement of "holdings" in question is coal lease *acreage* held under the Mineral Leasing Act; it is not related to the coal holdings information the Department of Justice may review. Section 3452.2–2(e) is added to assist the Department of Justice in its review of the competitive impacts of changes in Federal coal lease holdings. While assignments are not listed in section 15 of the Federal Coal Leasing Amendments Act, which provides for Department of Justice review, review of assignments is authorized under other provisions of the Mineral Leasing Act designed to regulate the assignment of leases to assure the absence of monopolistic holdings of Federal leases and to assure the sale of Federal coal to the public at reasonable prices (memorandum of March 5, 1979, from Associate Solicitor, Energy and Resources, to Assistant Secretary, Energy and Minerals).

Section 3453.2–2(f) is added to implement the Secretarial decision that the Department of the Interior be fully informed of the value paid or promised for all lease transfers. This will aid the Department of the Interior in its effort to achieve fair market value in new sales; these transfers are the best possible comparable sales data. The information will be essential to the study of the overriding royalty limitation in subpart 3473 of which the Secretary has directed review. In addition, the Department will also be able to establish whether or not current transfers are development-oriented or speculation-oriented, and whether the consideration paid for the transfers promotes or hinders development, and how lease transfer may affect the price at which the coal is sold.

A new § 3453.2–2(g) assures confidential treatment of all proprietary data submitted to comply with the two new subsections (e) and (f) dealing with the consideration paid for a transfer and Department of Justice review of transfers. Section 3453.2–5 has been revised to clarify what happens in the creation of a new lease by the transfer of part of the acreage of a lease—the terms of the new lease are identical to the terms of the old lease.

Section 3453.3–1 lists the deficiencies in a request to approve a transfer that will lead to rejection of the assignment if not cured after notice under § 3453.3–2. Antitrust review information and transfer consideration information have been added to the list.

Subpart 3461—Federal Lands Review—Unsuitability for Mining

Each of the twenty-four unsuitability criteria set forth in proposed subpart 3461 was reviewed by the Secretary of the Interior and its specific form and language passed upon. The Federal lands review directed by section 522(b) of the Surface Mining Act was thus a central portion of the Federal coal management program decision. The criteria were field tested twice. The most recent test was completed and its results, in the form of a BLM Report, were made available to the public on May 1 and were forwarded in time for circulation within the Department of the Interior and for debate before the Secretary of the Interior. The process for applying the criteria—when during land use planning; with what public participation; in consultation with

whom—were dissected and examined by the Department, and the concepts of the system established in this subpart were personally endorsed or adopted by the Secretary of the Interior in his June 1 coal program decisions. The 69-page Secretarial Issue Document on unsuitability and the 10 pages of Secretarial decision sheets on unsuitability in the publicly-available Secretarial Issue Document on the Federal Coal Management Program, attest to the Department of the Interior's commitment to a sound Federal lands review. This subpart chiefly implements these Secretarial decisions and policies.

In the final rulemaking, the subpart has been rearranged to give the criteria themselves their due prominence as § 3461.1. The generic unsuitability exception for underground mining operations is made a separate provision in § 3461.2. The assessment procedures to be followed by the surface management agency follow in § 3461.3, with the differences in those procedures on leased and unleased Federal lands set out in § 3461.4. The relationship of the surface management agency's unsuitability *assessment* petition and the unsuitability *designation* process of the Office of Surface Mining is set out and clarified in § 3461.5.

Section § 3461.0–6(c) was deleted to be consistent with the evolving relationship between the Bureau of Land Management and Forest Service's unsuitability *assessments* and the Office of Surface Mining's *designations*. The surface management agencies and the Office of Surface Mining's mandatory criteria, the prohibitions against leasing in section 522(e) of the Surface Mining Act, should be identical; there is nothing "additional," as the proposed regulations had it, for the latter agency to apply. Any additional discretionary authority to designate lands unsuitable found in the Office of Surface Mining's regulations is simply not a part of the Federal lands review to be considered by the Bureau of Land Management and the Forest Service.

A new § 3461.0–7 has been added to erase confusion about the scope of the criteria themselves and what the assessment pertains to—how all or any specific methods of coal mining will affect the listed value.

In each listed criterion, the phrase "and mining operations approved" was deleted from any exceptions to the criterion to: (a) make it clear that these are Bureau of Land Management and Forest Service (surface management agency), not Office of Surface Mining rules; and (b) avoid implying that lease issuance certifies that the Office of Surface Mining will approve a mine plan under certain conditions or at all. This uniform revision conforms to the Department's treatment of the issue, central in the Federal lands review, of the adequacy of the data available at the time of land use planning to aid in these assessments. In other words, an area may be carried forward to activity planning under § 3461.3–1, and deleted from further consideration upon acquisition of the needed data in writing the tract profile or elsewhere during activity planning (or in the case of potential alluvial valley floors, carried through activity planning and leased) without any assurance that mining operations will be approved. Any relevant data available to the Office of Surface Mining at the time of mining permit issuance cannot be ignored.

Another general change in the criteria involved the inclusion of the statutory exemption for operations existing on the date the Surface Mining Act was enacted. This exemption applies to all the section 522(e) mandatory criteria. In addition, the language of the exemption from all section 522(a) criteria, "substantial *legal and financial* commitments," was conformed to section 522(a)(6) of the Surface Mining Act (30 U.S.C. 1272(a)(6)).

One of the major recommendations of the Bureau of Land Management Report on unsuitability was, both procedurally and substantively, that the "exceptions" in the proposed rules be wrapped into the "criteria." The test application of the criteria, using the test procedures, raised false expectations and false disappointments when substantial areas were covered by a criterion and, later, major portions of the area were found to be covered by an exception. The separate application of the exceptions was generally an expenditure of time and effort with no compensating benefits. In addition, by applying the exceptions separately, the Department *appeared to be* reacting to the substantial acreages found unsuitable by excepting nearly equivalent acreages. In fact the Department was arriving at the originally intended result, the area properly found to be unsuitable. Where feasible, the final criteria avoid these appearances by incorporating the "exceptions" into the "criteria" themselves.

Issue Paper No. 1 on the unsuitability criteria in the Secretarial Issue Document on the criteria contains reference to the nature of the comments received on each criterion, so the comments will not be described at length in the following discussion of the individual criteria.

Criterion Number 1. The Secretary of the Interior deleted buffer zones around the Federal lands systems from the criterion. Buffer areas remain, of course, the appropriate subject of multiple use tradeoffs in the planning process; they are just no longer part of this unsuitability criterion itself. The Secretary of the Interior concluded that the Forest Service should, using these criteria, be delegated the Secretary of the Interior's authority under section 522(b) of the Surface Mining Act to conduct the Federal lands review on National Forest System lands. Consistent with that decision, criterion number 1 has been amended to speak to the mandatory protections in section 522(e) of the Surface Mining Act against surface coal mining operations in national forest. As the portion of the criterion protecting lands proposed for inclusion in the federal lands systems is derived from section 522(a) of the Surface Mining Act, the section 522(a)(6) exemptions were added to apply to lands proposed for inclusion.

Criterion Number 2. The Secretary of the Interior deleted the portion of the criterion dealing with agricultural leases of Federal surface. Such leases will be honored, but their terms are usually less than the full life of a comprehensive land use plan. Thus, the land need not be found unsuitable throughout the life of the plan. Because agricultural leases are no longer part of the criterion, the related exception, which drew several comments because it was missing a "not," has been deleted also.

Criterion Number 3. Two changes have been made to comply with section 522(e) of the Surface Mining Act: "highway" to " road;" and "an occupied public building" to "any public building." The Secretary required that the permission of an occupant in exception three must be in writing to assure verification.

Criterion Number 4. The exception was folded into the criterion.

Criterion Number 5. The Secretary of the Interior deleted the inclusion of Class II lands, and incorporated the exception into the criterion.

Criterion Number 6. The Secretary of the Interior adopted the language, distilled from the Bureau of Land Management's Task Force recommendations, that requires the concurrence of the land-using entity before a lease can issue. In response to comments received, however, it requires that the land actually be in use for the permitted scientific purpose for the lands to be assessed as unsuitable.

Criterion Number 7. The Secretary of the Interior adopted the version which

includes the State Historic Preservation Office as a consulted entity. The buffer zone is retained; but the qualification is made that the criterion only applies to sites or objects *on Federal lands*. The protection of objects not on Federal lands remains governed by the relevant historic protection acts and, to the extent they are not controlling, multiple use considerations. The exemptions clarify the different sources of authority for properties listed in, and properties just eligible for inclusion in, the National Register.

Criterion Number 8. This criterion remained essentially unchanged.

Criterion Number 9. This criterion was revised to conform the exception in the Assistant Secretary, Fish and Wildlife and Park's recommendation to the Secretary of the Interior, dated May 30, 1979. The language more closely follows the consultation procedures to be used under revised section 7 of the Endangered Species Act (16 U.S.C. 1536).

Criterion Number 10. This criterion has been revised only in that the word "deemed" was changed to "determined" as recommended by the Bureau of Land Managment Task Force.

Criteria 11 and 13 drop fixed distance buffer zones in favor of variable buffer zones that take into account terrain and prey habitat. Both criteria are revised to require consultation with the Fish and Wildlife Service in setting buffer zones.

Criterion Number 12. This criterion was not changed by the Secretary of the Interior's decision.

Criterion Number 13 was revised as indicated above, and was revised to exclude the kestrel (the common sparrow hawk) from the class of protected falcons.

Criterion Number 14 was unchanged.

Criterion Number 15. This was the most controversial criterion, while at the same time the most misunderstood and likely to exclude the most land. Changes were made to clarify it and limit its applicability to less land. First, the criterion does not allow any state the determinative say in how Federal lands will be used. The Bureau of Land Management or the Forest Service and the state must both agree that the lands meet the criterion before they are assessed as unsuitable. Thus, if the state insists that certain lands are important habitat but the surface management agency disagrees, the criterion is not met and the land is not unsuitable. The same is true with the roles reversed. Second, the Secretary of the Interior decided to delete the buffer zone. Third, the Bureau of Land Management Director's recommendation that the listed habitats become examples, not an exclusive list, was adopted. Fourth, the term "most critical" is adopted in subsection (1)(ii) to make it clear that not every critical winter range qualifies, nor that most (i.e., the majority of) critical winter range qualifies. The phrase covers the prime ranges essential to the maintenance of the specific population.

Criterion Number 16. This criterion was revised to require consultation with the Geological Survey. Exception (i) was deleted in its entirety, and exception (ii) was incorporated into the criterion as recommended by the Bureau of Land Management Task Force.

Criterion Number 17 has been revised to require that the non-adverse impact of leasing on the watershed be demonstrated in a specific, probative fashion. The exception was revised to require the written concurrence of the governmental representatives of users of the watershed, instead of the impractical proposed provision for concurrence by individual water users.

Criteria 18 and 19 are substantially unchanged. Criterion number 19, the alluvial valley criterion, is the one criterion about which the surface management agency is, by the very nature of the drilling needed to determine its applicability, likely to have the least adequate, available data at the time of land use planning. The Secretary of the Interior has retained the criterion because it should become progressively easier to apply as surface management agencies develop expertise in applying the guidelines for the identification of such lands, and as regulatory authority actions on mining permit applications "maps" the valleys of the western coal fields. This criterion is, however, expressly treated in the assessment procedures as an exception from the requirement that a tract for which inadequate data prevented a complete unsuitability assessment during land use planning will be deleted from activity planning if the data are not available by the time of the final environmental impact statement on the regional lease sale that includes the delineated tract. Even if it is not known whether a tract is in an alluvial valley floor, it may be held for sale and leased, subject to express provisions about compliance with the Office of Surface Mining's alluvial valley floor provisions in the issuance of a permit to mine.

Criterion Number 20 was approved by the Secretary of the Interior without substantial revision; only the consultation obligations in the exception were made clearer. Some comments misunderstood exception (i). That exception is designed to allow the Secretary to adopt such a criterion without jeopardizing recently finished land use planning efforts, including expensive and time-consuming inventory processes. A state with a specific concern for a resource value in a specific area should be able to introduce its concern early enough in the surface management agency's planning process for that area so that the concern, if its adoption as an unsuitability criterion is in the public interest, will be applied in the planning for that specific area. If adoption of a state-proposed criterion would moot completed planning or require the reopening of adopted land use plans, the Secretary of the Interior could well be deterred from adopting any new criterion.

The Secretary of the Interior deleted several criterion that were part of the proposed rulemaking. He deleted proposed criterion (p), wetlands, with the directive that the Department's obligations under the relevant Executive Orders and other authorities be fully examined and new options be presented to him. He deleted proposed cirteria (t), prime farm lands, and (v), reclaimability, for the reasons that: these determinations cannot be made by the Bureau of Land Management at the pre-lease stage without significant expenditures of money and personnel; and the values are fully protected in the mine plan approval process under the Office of Surface Mining's permanent program regulations. This decision is supported by the fact, discussed in relation to preference right leasing, that the Federal land review under section 522(b) of the Surface Mining Act can be carried out by conditioning leases, as well as by assessing lands as unsuitable and entirely excluding them from consideration for leasing.

The Secretary of the Interior also deleted proposed criterion (x), buffer zones for State lands designated unsuitable. This criterion was deleted for the reasons that: (a) it appeared to be a way that the States could control unsuitability assessments on Federal lands, and control the Federal lands review, which might be in derogation of section 523 of the Surface Mining Act; (b) any value not recognized in the Federal criteria could be proposed, and if the Secretary found it meritorious, adopted as part of the Federal land review on its own merit under criterion number 20; and (c) like other buffer zone provisions, its purpose could be served as well in the multiple use tradeoff stage of planning.

The Secretary of the Interior also concluded that two new potential criteria should be studied: prevention of significant deterioration of air quality; and sole source aquifers. These, along with wetlands, will be the subject of further Departmental inquiry.

Section 3461.2, the underground mining exception, has been revised only to make it consistent with the final rulemaking usage: the term "assessment" of unsuitability; and the use of the definition of the term "surface coal mining operations." Its substance remains, and it has been relocated to reflect its importance as a potential exception to any criterion in § 3461.1.

Section 3461.3 is designed to implement the Secretarial endorsement of the unsuitability assessment procedures set out in the Secretarial Issue Document, in Issue Paper No. 1, pp. 12–16. These procedures were derived from the Bureau of Land Management's field experience, and from examination of comments on both the programmatic environmental impact statement and the proposed rulemaking. The reasons for most of the changes are set out in Issue Paper No. 1 in the Secretarial Issue Document. Updating and revision of land use plans will include periodic review of unsuitability assessments, too. Section 3461.3–1 is designed to reflect the fact that application of the criteria and their exceptions is a unified step, not the two-step process set out in the Instruction Memorandum that governed the early 1979 field test (43 FR 57664, December 8, 1978).

Paragraph 3461.3–1(a)(2) also assures public participation consistent with §§ 3420.1–5 and 3420.2. Section 3461.3–1(b) prescribes the treatment of issues of data unavailability or inadequacy, including the exception for data related to alluvial valley floors discussed above. Revisions of unsuitability assessments based on new data will be subject to the opportunity for the same public participation provided for in § 3461.3–1(a). Section 3461.3–1(a) also requires that the application of exceptions be detailed in a manner that makes it clear when exceptions have not been applied by the authorized officer in the exercise of his discretion.

Section 3461.3–2 has been revised to make it consistent with, and a cross-reference to § 3420.2–6. As proposed, it appeared to impose duplicative and potentially inconsistent consultation requirements. The new § 3461.3–2(b) describes what constitutes "consultation" when required in the application of unsuitability criteria or their exceptions. First, the section provides how consultation, and action taken contrary to advice received in consultation, must be documented to assure that the advice of consulted agencies is carefully considered and adhered to unless valid reasons for failing to do so are presented to the public. Second, time limits for consultation are provided that assure that no delaying tactics can be used by a consulted agency.

Section 3461.3–3 requires the inclusion in unsuitability assessments of a statement of findings of the effect of the assessment on coal supply consistent with that required of the Office of Surface Mining under section 522(d) of the Surface Mining Act. Several comments criticized the need for such a provision if it is not going to control, or at least be balanced in, the ultimate assessment. The Federal lands review set out in this subpart is designed to identify lands that should not be considered for leasing in the jugment of the Department of the Interior, without multiple use tradeoffs. Consideration of those findings, like the multiple use tradeoffs they resemble, will not weigh in the assessment whether the lands are unsuitable. The findings will serve two important purposes, however. They will supply systematic data to the Department of the Interior on the impacts of the criteria for consideration in any proposal to revise the criteria or the procedures of the Federal lands review. They will also expedite and simplify the Office of Surface Mining's action on petitions to designate Federal lands as unsuitable under section 522(c) of the Surface Mining Act.

Section 3461.4–1, formerly § 3461.1, is unchanged, and sets out the different steps in the leasing process when the unsuitability procedures might occur. Section 3461.4–2 treats application of the criteria to leased lands. Section 3461.4–2(b) has been revised to reflect the general merger of the criteria and the exceptions. This section also provides, in contrast to § 3461.3–1(a), that all exceptions must be applied on leased lands. It goes on to provide for the application of the regulatory exemptions from the criteria. Section 3461.4–2(c) describes how the Secretary of the Interior may approach the possibility of exchanging lease interests, consistent with subparts 3435 and 3436, on leased lands found unsuitable. This is the provision erroneously typeset in the proposal in subpart 3453.

Section 3461.5 has been almost entirely rewritten. The new subsections (b) through (d) implement the Secretary of the Interior's endorsement of the relationship between the Bureau of Land Management or Forest Service unsuitability *assessment* and the Office of Surface Mining's unsuitability *designation* under section 522(c) of the Surface Mining Act. This relationship is set out in the Secretarial Issue Document, Issue Paper No. 1, pp. 67–69. Since the surface management agency's unsuitability assessment does not *control* the Office of Surface Mining's petition process to designate lands unsuitable, § 3461.5(b) provides that the Bureau of Land Management or Forest Service may petition the Office of Surface Mining to have lands it has *assessed* as unsuitable formally designated so by the Office of Surface Mining. Similarly, § 3461.5(c) provides that the surface management agency shall file such a petition on leased lands, because unless the surface management agency does petition for formal *designation* of the lands as unsuitable, the Office of Surface Mining will be free to take action, consistent with its permanent program regulations, on a mining and reclamation plan for leased lands.

The Department's rules under the Surface Mining Act provide that petitions to designate Federal lands unsuitable will be filed with the Office of Surface Mining, then referred to the surface management agency for its report and recommendation on the petition. Section 3461.5(d) provides that the filing of the Bureau of Land Management's petition to designate, based on its completed *assessment*, with the Office of Surface Mining will constitute compliance with the latter's *designation* procedures to the maximum extent consistent with this division of responsibility within the Department of the Interior.

The provisions of subpart 3465 are, in essence, what remains of 43 CFR Subpart 3041 after all functions transferred to the Office of Surface Mining under the Surface Mining Act have been deleted (see 43 CFR 3400.0–4). Sections 3465.0–1, 3465.1–7 and 3465.1 have had minor changes made. Section 3465.2(c) has been amended to impose an affirmative obligation on the authorized officer to recommend necessary changes in or review of an approved permit. Section 3465.2(d) is clarified to emphasize the role of the authorized officer in recommending or imposing any necessary environmental protection conditions or stipulations. This is consistent with § 3400.0–4(a)(10) and proposed § 3400.0–4(c)(5) discussed above concerning the respective roles of the Bureau of Land Management and the Office of Surface Mining.

Section 3465.3–1 has been revised to make it clear that inspections can be unannounced, even though they cannot be at unreasonable times. Sections 3465.2 and 3465.3 have been revised to conform to the Office of Surface Mining's regulation language (30 CFR 843.11) with respect to enforcement upon discovery of conditions or activities that do not conform to a permit. Similarly, § 3465.4 has been revised to incorporate by reference the alternative postmining land use standards of the Office of Surface Mining, although the Bureau of Land Management must approve any alternative use for lands it administers. Proposed § 3465.7 was made part of § 3465.4 of the final rulemaking, since it too deals with postmining land use. The bonding provision is designed to establish the difference between the Bureau of Land Management's lease bond and the Office of Surface Mining's reclamation performance bond. The latter assures compliance with the approved permit.

Subpart 3471

Only minor changes were made in subpart 3471, which sets the requirements for land descriptions in leases and information as to what happens if the land in a lease area is conveyed under other laws or a lease is canceled. Protraction "survey" was changed to protraction "diagrams" wherever the term is used in the subpart. In § 3471.1–1(d), Coast and Geodetic Survey was changed to the National Oceanic and Atmospheric Administration, to accord with current agency functions. New § 3471.1–2(b) was added to clarify the provisions for lease descriptions for acquired lands in non-public land states.

One commenter complained that the provisions in § 3471.3–2 for the protection of bona fide purchasers of leases or lease interests were wholly unwarranted in the area of Federal coal leases. Whether or not the provisions are unwarranted, protection for bona fide purchasers was expressly provided by the Congress in section 27 of the Mineral Leasing Act (30 U.S.C. 184(h), (i) and (j)).

Subpart 3472—Lease Qualification Requirements

One comment on subpart 3472 requested that it be amended to specifically recognize the legality of joint bids. Joint bids are not prohibited so long as each co-bidder is qualified to hold Federal coal lease interests. The provisions of subpart 3472 are broad enough to encompass co-bidders without amendment and the suggestion was not adopted.

Two comments asked that the term "appreciable percentage" as used in § 3472.1–1(d) be quantified. "Appreciable percentage" means any amount which may be recognized or perceived; it cannot be quantified. The regulatory phrase cuts a compromise between the absolute statutory prohibition against an alien from a non-reciprocal country holding *any* interest in a Federal mineral lease, no matter how small his stock ownership (30 U.S.C. 181), and the limits of the Bureau of Land Management's obligation and resources to investigate the citizenship of stockholders of all corporate lessees no matter how small their percentage of the stock, especially when it is in an amount less than that required to be reported for purposes of acreage holdings attribution. The Bureau cannot ignore unlawful interests, even if they do not exceed ten percent of the stock of a corporate lessee, however, when the Bureau learns of them. Memorandum of July 11, 1962, from Associate Solicitor, Public Lands to Director, Bureau of Land Management, "Alien ownership in corporate lessees under the Mineral Leasing Act;" Memorandum of November 29, 1962, from Associate Solicitor, Public Lands to Assistant Secretary, Public Land Management, "Alien ownership in corporate lessees under the Mineral Leasing Act."

Section 3472.1–1 has been revised to delete all references to licenses to mine. Qualification requirements for a license to mine are now found in subpart 3440.

A comment recommended elimination of the acreage limitation provision of § 3472.1–2 as it appeared to be duplicative of the Department of Justice requirements. The acreage limitation is statutory and the Department of the Interior cannot issue a lease that would violate the acreage limitation. While acreage holding limitations clearly serve the purpose of avoiding monopoly control of Federal leases, the Congress added the separate provisions for Department of Justice review of the antitrust effects of leasing when it enacted section 15 of the Federal Coal Leasing Amendments Act of 1976. The Department of Justice's information on coal reserve holdings is otherwise unrelated to the Federal lease acreage holding limitations implemented in these sections.

One comment pointed out that there is no statutory basis to prevent a trustee from holding coal lease interests for trust beneficiaries without need of a court order, nor any basis for a prohibition against a natural guardian holding such an interest for a minor child. This suggestion has been adopted as part of the final rulemaking. A new § 3472.2–3 has been added requiring an attorney in fact to divulge any agreement that he may have with an applicant or bidder to receive any interest in the lease when it is issued.

A couple of comments objected to the requirement in § 3472.2–5(a)(4) that a public body, to qualify to bid for a lease, must submit a plan to produce energy within the next 10 years. The comments requested that the period be extended from 10 to 15 years. Because of the statutory diligence requirements, the period for commencement of production of coal cannot, with rare exceptions, be extended beyond the tenth anniversary date of a lease. The section has been revised, however, to change the beginning of the 10–year period from the date of application to the likely date of issuance of the prospective lease.

A request was made in a comment to change § 3472.2–5(c)(4) to allow public bodies to sell electricity to generating facilities not under the ownership of a public body. This section deals specifically with acquired lands set apart for military or naval purposes. Under the Federal Coal Leasing Amendments Act, leases for such lands may only be issued to a governmental entity which produces electrical energy for sale to the public in the State in which the lands are located. Therefore, the suggested change cannot be adopted.

Subpart 3473—Fees, Rentals, and Royalties

Section 3473.2–1 had been amended to include a requirement for a $10 filing fee for licenses to mine coal. Several comments took exception to the provisions of § 3473–2(a) setting the minimum lease royalty for surface-mined coal at 12½ percent. This is required by section 6 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 207) and cannot be changed.

Several comments objected to the proposed provisions of § 3473.3–2(d)(1), by which the Secretary of the Interior proposed not to grant any royalty reductions below 12½ percent for surface-mined coal. The final rulemaking reinstates the authority of the Secretary to reduce the royalty below the statutory minimum that must be fixed in each lease, in the exercise of his authority under section 39 of the Mineral Leasing Act (30 U.S.C. 209), when (a) a lessee applies for such a reduction, (b) it would be in the interest of conservation of the resources, and (c) the lease cannot be successfully

operated under its terms. This authority to reduce production royalty below that specified in the lease will be used sparingly, if at all, only upon a convincing showing of hardship, and only for a temporary period or periods on any lease.

The Secretarial decisions on Issue Paper No. 12 in the Secretarial Issue Document directed the Department of the Interior to study how the limitation on overriding royalties to 50 percent of the Federal royalty, set in § 3473.3–2(c), functions. The change in Federal royalty rates and the change in the market value of the coal itself since the regulation was adopted in 1954, may mean that the provision is now useless or ineffective. This study may lead to further rulemaking with respect to this provision, as may the study of the consideration paid for lease transfers.

In paragraphs 3473.3–2(b)(3) and 3473.3–2(d)(1), changes have been made to conform the regulations expressly to the Federal Coal Leasing Amendments Act and to the Department's December 1976 regulations related to advance royalties paid in lieu of continued operation for any lease year. References to "minimum royalties," which remain appropriate in Group 3500 covering phosphate, sodium and other mineral leases, are inappropriate for Group 3400 dealing with coal. Payments in lieu of continued operation on a Federal coal lease were and are "advance royalties." In addition, the proposed regulations did not specify that advance royalties would be credited against production royalties on all new or readjusted leases, nor did they reflect the prohibition in section 14 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 209) against reducing advance royalties under any circumstances.

The relationship between the Secretary's authority to suspend lease operations and lease obligations in § 3473.4, and the diligence regulations (§§ 3475.4, 3475.5), merits some discussion. In 1976 when the Secretary defined diligent development (subsection 3400.0–5(m)) to mean production in 10 years from lease issuance or by June 1, 1986, depending on when the lease was issued, he did not wholly abrogate the Secretary's authority to suspend a lease and lease obligations wholly under section 39 of the Mineral Leasing Act (30 U.S.C. 209), in the interest of conservation of the natural resources. For a lease on which the lessee applies for and receives such a suspension, the period of the lease does not run, lease rental and royalty obligations do not accrue, and likewise the time for achieving diligent development does not advance for the period of the suspension. In light of the Secretary's lease suspension authority, the regulatory definition means to the Department the "tenth *lease* year" from the date of lease issuance or June 1, 1986, depending on when the lease is issued.

The continued operation obligation (subsection 3400.0–4(j)) is also a "lease year," not a calendar year obligation. Except where provisions of the diligence regulations might expressly limit the Secretary's authority to suspend a lease for the purpose of mitigating the continued operation obligation, the authority in § 3473.4 may be exercised in a manner that results in the suspension of all lease operations, and thus of the continued operation obligation, for the period of the suspension.

Subpart 3474—Bonds

One comment pointed out that the lease bond provided for in subpart 3474 covers more than simply payments, and should not be terminated solely because a lease account was in good standing. In response to this comment, § 3474.1(c) of the proposed rulemaking has been deleted and a new § 3474.6, which reflects the actual period of liability, has been inserted in the final rulemaking.

Four comments expressed concern that the "lease bond" provided for in this rulemaking duplicated the "performance bond" set by the Office of Surface Mining that assures reclamation of the mined lands in accordance with the surface mining permit. The performance bond for the lessee's reclamation obligations is not covered in this subpart. That bonding is a function of the Office of Surface Mining covered in 30 CFR Part 742. The lease bond required by this subpart assures payment of all rentals and royalties, and covers potential damage to surface resources and values on a lease prior to issuance of a surface mining permit, and outside a permit area on a lease. The lease bond will not duplicate the reclamation performance bond; the final rulemaking contains an express provision in § 3474.3(b) for adjusting existing lease bonds to assure that the two bonds operate in a wholly complementary manner. In fact, new subsection 3474.3(b) provides that the lease bond amount may be reduced by elimination of coverage of reclamation obligations. This can probably be done on all non-producing leases; it will be infeasible only for any producing leases on which the lease bond continues to assure compliance with reclamation operations.

Several comments objected to the removal of the provision for statewide and nationwide lease bonds, on the grounds that individual lease bonds would be too burdensome to obtain and maintain. The Bureau of Land Management Task Force report number 15 (June 1979), which is available on request from the Bureau of Land Management's Office of Coal Management, or the Department's Office of Coal Leasing, Planning and Coordination, confirmed the pre-existing view of the inadequacies of the unrealistically low nationwide bonds, and the measures being taken by the Geological Survey and the Bureau of Land Management to assure that individual lease bonds are set in a manner that strikes the proper balance between maximizing the assurance that the lessee will satisfy all his lease payment and other covered obligations and minimizing the burden on the lessee of maintaining the lease bond. For instance, the Geological Survey will, wherever feasible, switch to monthly rather than quarterly royalty billing to cut to one-third the amount of royalty that must be covered by a bond, and the Department of the Interior is reserving the right to alter bond amounts during the life of the lease, so that the lessee does not need to be bonded for the amount of potential royalty payment obligations prior to initiating production.

The Department of the Interior will closely watch the nature and extent of any problems lessees or the Department may have in practice with individual lease bonds.

Subpart 3475—Lease Terms

Almost all the comments on subpart 3475 were critical of the Department of the Interior's regulations published in May and December of 1976, which defined diligent development and continued operation for existing Federal coal leases, and which made each Federal coal lease a logical mining unit for the purpose of calculating and administering those obligations. The authority to promulgate regulations defining diligence on Federal coal leases has, of course, been transferred to the Secretary of Energy by section 302(b) of the Department of Energy Organization Act, so that the Secretary of the Interior has no authority to alter the substantive diligence requirements.

These provisions are simply recodifications of the existing regulations of the Department of the Interior published in 1976, with only minor editorial changes designed to clarify any ambiguities in the original regulations, without altering their

substance. When and if the Department of Energy supersedes these obligations with different regulations, or adds other requirements, these regulations will be modified to cross-reference and otherwise conform to any such Department of Energy regulations. We will transmit the comments received on this subpart to the Department of Energy for its use, if it chooses, in exercising its authority to promulgate coal lease diligence regulations.

Although the rulemaking authority has been transferred to the Department of Energy, the Secretary of the Interior remains solely responsible for the administration of Federal coal leases. In the decisions on the Federal coal management program, the Department confirmed its intention to enforce the 1976 regulations to the fullest extent, to the ends that Federal coal may be timely developed during the next decade and contribute to easing the nation's energy supply problems, and to end the speculative holding of Federal coal leases.

One comment found it remarkable that the Federal Coal Leasing Amendments Act's definitions of diligence did not apply to earlier leases. The clear intent of the Congress, however, was that section 6 of the Federal Coal Leasing Amendments Act, amending 30 U.S.C. 207, was prospective (e.g., statement of Senator Metcalf, 121 Cong. Rec. S14566, July 31, 1975). A couple of commenters objected, as did others who commented on the 1976 regulations, to the fact that the regulations designated each lease existing prior to the enactment of the Federal Coal Leasing Amendments Act as a logical mining unit. The Department of the Interior regards this criticism, as it did in 1976, as a misplaced criticism of the application of the regulatory definitions of diligent development and continued operation to leases issued prior to the Federal Coal Leasing Amendments Act. All the Department of the Interior did in 1976 by using the term "logical mining unit" for an individual lease, was simplify its definitions of these diligence obligations. Instead of having to say, for instance, that "diligent development" means the extraction of "[2½ percent of the reserves of the lease, or if the lease has been combined with other Federal leases or non-Federal holdings into a logical mining unit,] 2½ percent of the logical mining unit reserves," the Department was able to delete the bracketed material in each definition. The suggestion to delete the second sentence of section 3474.5(a) is in fact an attempt to exempt all leases that have not been formally combined into a logical mining unit that includes other holdings from the 1976 diligence regulations. Only the Department of Energy could make such a substantive change in lessees' diligence obligations. Such a change, however, would wholly frustrate the purposes of the 1976 regulations as endorsed in the Secretarial decision on June 1; the Department of the Interior will not ask the Department of Energy to undo the 1976 regulations in that manner.

The reference in § 3475.5(a) to the not yet published Geological Survey provisions for the approval of multi-property logical mining units was deleted. A cross reference may be added when such rules are promulgated. The relationship of § 3475.5(c) to the relinquishment of leased coal deposits (§ 3452.1) was clarified in response to a comment.

General Information

The regulations are made effective upon publication for related reasons: (1) substantial portions of the new Group 3400 are existing minerals management regulations excised from the pre-existing Group 3500, and are only edited, recodified, and brought up to date; (2) substantial portions of the new subparts prescribe agency procedures, and do not affect the substantive rights or obligations of members of the public (see 43 CFR 14.5(d)); and (3) the public interest would not be served by any deferral either of implementation of the coal-related land use planning regulations in this Group, or of the regulations related to the management of existing leases, which is not required by law. Many of the policies and procedures in these regulations implement Secretarial decisions made on June 1 and 2, 1979, and were not treated in any prior regulations—these policies and procedures could have been, and in some cases were, implemented immediately following the Secretary's decision.

The material following the body of the new Group 3400 regulations on Coal Management contains the deletion of all provisions related to coal from Group 3500 of Title 43. The only provisions of Group 3500 related to coal that remain in effect are those that expressly reference provisions of Group 3400, such as the exchange leasing regulations in 43 CFR 3526.

The principal authors of this final rulemaking are Steven Quarles and Charles Rech of the Office of Coal Leasing, Planning and Coordination; Don Mitchell and Marcia Rohn, Office of Coal Management, Bureau of Land Management; Lawrence McBride and Robert Uram of the Office of the Solicitor, assisted by the staff of the Office of Legislation and Regulatory Management of the Bureau of Land Management. Editorial and clarification changes in the proposed regulations have been made as needed.

The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. However, after consultation with the Council on Wage and Price Stability, the Department of the Interior prepared economic analyses on maximum economic recovery and on the unsuitability criteria portions of the Federal coal management program. Those analyses are available upon request from the Office of Coal Leasing, Planning and Coordination.

The adoption of the Federal coal management program on June 1 and 2, 1979, was a major Federal action significantly affecting the quality of the human environment. A draft environmental impact statement was published on December 15, 1978, and a final environmental impact statement was published on April 29, 1979, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). This rulemaking is an integral part of the implementation of the Federal Coal Management Program studied in that environmental impact statement. Example regulations were published in an Appendix to the draft environmental impact statement, and proposed regulations in an Appendix to the final statement. The regulations were proposed so that analysis of the final environmental impact statement and the comments on the proposed rulemaking were both available for the Secretary's program decisions on June 1 and 2, 1979. The regulations in chief implement the Secretarial decisions reached in consideration of the analysis in the final environmental impact statement. The impacts of these regulations were thus studied in that environmental impact statement.

Under the authority of the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands, the Federal Land Policy and Management Act of 1976, the Surface Mining Control and Reclamation Act and the Multiple Mineral Development Act, Subchapter C, Chapter II, Title 43 of the code of

Federal Regulations is amended as set forth below.

July 16, 1979.

Cecil D. Andrus,

Secretary of the Interior.

1. The addition of a new Group 3400 and Part 3400 as follows:

Group 3400—Coal Management

PART 3400—COAL MANAGEMENT—GENERAL

Subpart 3400—Introduction—General

Sec.

3400.0–3 Authority.
3400.0–4 Responsibilities.
3400.0–5 Definitions.
3400.1 Multiple development.
3400.2 Lands subject to leasing.
3400.3 Limitations on authority to lease.
3400.3–1 Consent or conditions of surface management agency.
3400.3–2 Department of Defense lands.
3400.3–3 Department of Agriculture lands.
3400.3–4 Trust protection lands.
3400.4 Federal/state government cooperation.

Authority: 30 U.S.C. 181 et seq.; 30 U.S.C. 351–359; 30 U.S.C. 521–531; 30 U.S.C. 1201 et seq.; 42 U.S.C. 7101 et seq.; and 43 U.S.C. 1701 et seq.

Subpart 3400—Introduction—General

§ 3400.0–3 Authority.

(a) These regulations are issued under the authority of and to implement provisions of:

(1) The Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.).

(2) The Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended (30 U.S.C. 351–359 et seq.).

(3) The Federal Land Policy and Management Act of 1976, October 21, 1976 (43 U.S.C. 1701 et seq.).

(4) The Surface Mining Control and Reclamation Act of 1977, August 3, 1977 (30 U.S.C. 1201 et seq.).

(5) The Multiple Mineral Development Act of August 13, 1954 (30 U.S.C. 521–531 et seq.).

(6) The Department of Energy Organization Act of August 4, 1977 (42 U.S.C. 7101 et seq.).

(7) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) The Federal Coal Leasing Amendments Act of 1976, as amended (90 Stat. 1083–1092).

(9) The Act of October 30, 1978 (92 Stat. 2073–2075).

(b) Specific citations of authority in subsequent subparts of this Group 3400 are to authorities from which the subpart is chiefly derived or which the subpart chiefly implements.

§ 3400.0–4 Responsibilities.

(a) The Bureau of Land Management has the responsibility to:

(1) Assess the unsuitability or the acceptability of Federal lands for leasing and development, or to enter into memoranda of understanding to authorize other Federal surface management agencies to conduct such assessments on lands they administer;

(2) Issue, modify and readjust leases, and serve as the lessor's office of record for and take appropriate action on transfers, relinquishments and similar lease transactions;

(3) Ensure that fair market value is received for rights to extract Federal coal before issuing a lease;

(4) Issue and administer all use authorizations for facilities related to coal development on Bureau of Land Management administered lands outside the permit area;

(5) Determine, in consultation with the Office of Surface Mining Reclamation and Enforcement, the appropriate post mining land use of Bureau of Land Management administered lands on which surface coal mining operations will be conducted;

(6) Include terms in each lease to protect nonmineral and noncoal mineral resources and to ensure reclamation of mined lands to the applicable standards;

(7) Recommend judicial action to cancel leases for noncompliance with lease terms;

(8) Consult with other surface management agencies and surface owners when they are involved in or affected by coal management actions that are the primary responsibility of the Bureau of Land Management;

(9) Adjudicate applications for, issue, and administer exploration licenses; and

(10) Review permit applications and advise the Office of Surface Mining Reclamation and Enforcement on measures necessary to protect other resources in the lands and to protect the interests of the holders of noncoal leases, licenses and permits.

(b) The Geological Survey has the responsibility on Federal lands to:

(1) Supervise production and coal resource recovery in the permit area;

(2) Make geologic, engineering, coal resource economic value, and maximum economic recovery determinations for coal related actions of the Department;

(3) Review and concur with mining and exploration plans, and amendments to plans on leases, to establish production and coal resource recovery requirements;

(4) Approve exploration plans and supervise exploration either under an exploration license, or on a lease outside a permit area;

(5) Deal with operators on the matters listed in paragraphs (b) (1) through (4) of this section; and

(6) Recommend tract ranking weights and factors for geologic, engineering and other coal resource criteria.

(c) The Office of Surface Mining Reclamation and Enforcement has the responsibility on Federal lands to:

(1) Approve mining and reclamation permit applications;

(2) Ensure that mining operations are consistent with environmental criteria and permit requirements;

(3) Assure compliance with permits in the conduct of mining and reclamation operations;

(4) Accept and release performance bonds;

(5) Approve applications for exploration within a permit area;

(6) Deal with operators during mining operations on the matters listed in paragraph (c) (1) through (5) of this section;

(7) Recommend tract ranking weights and factors for reclaimability;

(8) Negotiate, in consultation with the Bureau of Land Management and Geological Survey, and recommend for Secretarial approval, cooperative agreements with the states to establish the authority of state regulatory agencies over surface coal mining and reclamation operations on a lease; and

(9) Designate lands, in response to petitions, as unsuitable for all or certain methods of surface coal mining operations, reject petitions, and terminate designations of lands.

(d) The Fish and Wildlife Service has the responsibility on Federal lands to:

(1) Protect and conserve endangered and threatened species, migratory birds, and eagles;

(2) Recommend lands unsuitable for leasing due to fish, wildlife, and related ecological values;

(3) Recommend tract ranking factors and weights, for fish and wildlife;

(4) Recommend lease stipulations related to fish and wildlife values;

(5) Review and recommend postmining land uses of surface mined lands as they relate to the creation or maintenance of fish and wildlife values;

(6) Review exploration plans and mining plans to make recommendations about their potential impacts on fish and wildlife values; and

(7) Review projects authorized under Group 3400 of this title that will result in the impoundment, diversion or control of streams or other bodies of water, for the purposes of mitigating or avoiding

adverse impacts on fish and wildlife values.

§ 3400.0–5 Definitions.

As used in this part:

(a) "Alluvial valley floor" means unconsolidated, stream-laid deposits holding streams with water availability sufficient for subirrigation or flood irrigation agricultural activities. This definition does not encompass upland areas generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion; deposits laid down by unconcentrated runoff or slope wash, together with talus or other mass movement accumulations; and windblown deposits.

(b) "Authorized officer" means any employee of the Bureau of Land Management delegated the authority to perform the duty described in the section in which the term is used.

(c) "Bonus" means that value in excess of the rentals and royalties that accrues to the United States because of coal resource ownership that is paid as part of the consideration for receiving a lease.

(d) "Bypass coal" means an isolated coal deposit that cannot, for the foreseeable future, be mined economically and in an environmentally sound manner either separately or as part of any logical mining unit other than that of the applicant for either an emergency lease under the provisions of section 3425.1–4 of this title or a lease modification.

(e) "Casual use" means activities which do not ordinarily lead to any appreciable disturbance or damage to lands, resources or improvements, for example, activities which do not involve use of heavy equipment or explosives and which do not involve vehicle movement except over already established roads and trails.

(f) "Certificate of bidding rights" means a nontransferable right granted by the Secretary to apply the fair market value of a relinquished coal or other mineral lease or right to a preference right coal or other mineral lease as a credit against the bonus bid or bids on a competitive lease or leases acquired at a lease sale or sales, or as a credit against the payment required for a coal lease modification.

(g) "Coal deposits" mean all Federally-owned coal deposits, except those held in trust for Indians.

(h) "Coal resource economic value (CREV)" means the value of the coal resource in a proposed lease in its best operational and market application.

(i) "Commercial quantities" as used in paragraph (m) means:

(1) For any lease issued after August 4, 1976, an amount of production equal to one percent of the LMU reserves; or

(2) For any lease issued before August 4, 1976, an amount of production equal to one-fortieth of the LMU reserves.

(j) "Continued operation" means the production of coal equal to one percent of the LMU reserves for each of the first two years following the achievement of diligent development, and an average annual amount of one percent of the LMU reserves thereafter. The average annual amount shall be computed on a three year basis, and the three-year period for which the average shall be computed shall consist of the year in question and the two preceding years.

(k) "Contiguous" means having at least one point in common, including cornering tracts.

(l) "Department" means the United States Department of the Interior.

(m) "Diligent development" means (1) for any lease issued after August 4, 1976, the timely preparation for and initiation of coal production from the LMU of which the lease is a part so that coal is actually produced in commercial quantities by the end of the tenth year from the effective date of the lease; or

(2) For any lease issued before August 4, 1976, the timely preparation for and initiation of coal production from the LMU so that coal is actually produced in commercial quantities before June 1, 1986, except that the period of time during which production of coal in commercial quantities must be achieved may be extended as provided in 43 CFR 3475.4.

(n) "Director" means the Director of the Bureau of Land Management unless otherwise indicated.

(o) "Environmental assessment" means a document prepared by the responsible Federal agency consistent with 40 CFR 1508.9.

(p) "Exploration" means drilling, excavating, and geological, geophysical or geochemical surveying operations designed to obtain detailed data on the physical and chemical characteristics of coal deposits and their environment including the strata above and below the deposits, or the hydrologic conditions associated with the deposit.

(q) "Exploration license" means a license issued by the authorized officer to permit the licensee to explore for coal on unleased Federal lands.

(r) "Exploration plan" means, in relation to an exploration license, a plan prepared in sufficient detail to show the location and type of exploration to be conducted, environmental protection procedures, present and proposed roads, and reclamation and abandonment procedures to be followed upon completion of operations.

(s) "Fair market value" means that amount in cash, or on terms reasonably equivalent to cash, for which in all probability the coal deposit would be sold or leased by a knowledgeable owner willing but not obligated to sell or lease to a knowledgeable purchaser who desires but is not obligated to buy or lease.

(t) "Federal lands" mean lands owned by the United States, without reference to how the lands were acquired or what Federal agency administers the lands, including mineral estates or coal estates underlying private surface, but excluding lands held by the United States in trust for Indians, Aleuts or Eskimos.

(u) "Governmental entity" means a Federal or State agency or a political subdivision of a State, including a county or a municipality, or any corporation acting primarily as an agency or instrumentality of a State, which produces electrical energy for sale to the public.

(v) "Interest" in a lease, application or bid means: any record title interest, overriding royalty interest, working interest, operating rights or option, or any agreement covering such an interest; any claim or any prospective or future claim to an advantage or benefit from a lease; and any participation or any defined or undefined share in any increments, issues, or profits that may be derived from or that may accrue in any manner from the lease based on or pursuant to any agreement or understanding existing when the application was filed or entered into while the lease application or bid is pending.

(w) "Intertract bidding competition" means a lease sale method where tracts containing more reserves in total than the Department intends to lease in that sale are offered for sale, and each bidder competes against other bidders on the same tract for which he bids and against bidders on the other tracts offered in the same sale.

(x) "Known Recoverable Coal Resource Area" or "KRCRA" means an area, including Federal lands which meet minimum standards for recoverable coal deposits in accordance with accepted mining practices, as determined by the Director, Geological Survey. The Federal lands in a KRCRA are classified for coal leasing.

(y) "Lease" means a Federal lease, issued under the coal leasing provisions of the mineral leasing laws, which authorizes the exploration for and extraction of coal. In provisions of this

group that also refer to Federal leases for minerals other than coal, the term "Federal coal lease" may be used.

(z) "Lease bond" means the bond or equivalent security given the Department to assure payment of all obligations under a lease, exploration license, or license to mine, and to assure that all aspects of the mining operation other than reclamation operations on a lease are conducted in conformity with the approved mining or exploration plan. This is the same as the "Federal lease bond" referred to in 30 CFR 742.11(a).

(aa) "Licensee" means the holder of an exploration license.

(bb) "License to mine" means a license issued under the provisions of Part 3440 to mine coal for domestic use.

(cc) "Logical Mining Unit" or "LMU" means an area of coal land that can be developed and mined in an efficient, economical, and orderly manner with due regard for the conservation of coal reserves and other resources. An LMU may consist of one or more leases and may include intervening or adjacent non-Federal lands, but all lands in an LMU must be contiguous, under the effective control of a single operator, and capable of being developed and operated as a unified operation with complete extraction of the LMU reserves within 40 years from the date of first approval of a mining plan for that LMU. No LMU approved after August 4, 1976, shall exceed 25,000 acres, including both Federal and non-Federal coal deposits.

(dd) "Logical Mining Unit reserves" mean the sum of (1) estimated recoverable reserves under Federal lease in the LMU, and (2) estimated non-Federal recoverable reserves in the LMU. The LMU reserves associated with a Federal lease are the LMU reserves estimated as of the effective date of the LMU, of which that lease is a part, except that the LMU reserves of this section may be adjusted by the Mining Supervisor whenever he approves a modification of the LMU boundaries or whenever significant new information becomes available concerning the amount of such reserves.

(ee) "Maximum economic recovery" or "MER" means that all portions of the coal deposits within the lease tract shall be mined that have a private incremental cost of recovery (including reclamation, safety and opportunity costs) less than or equal to the market value of the coal.

(ff) "Mining method evaluation" means a written comparison of mining method alternatives used to determine maximum economic recovery.

(gg) "Mineral leasing laws" mean the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.), and the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359).

(hh) "Mining plan" means a mining and reclamation operations plan that fully complies with the requirements of the Mineral Leasing Act of 1920 as amended, the Surface Mining Control and Reclamation Act of 1977, and all other applicable laws and regulations.

(ii) "Mining Supervisor" means the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, or the District Mining Supervisor, or a subordinate acting under the Supervisor's direction.

(jj) "Mining unit" means an area containing technically recoverable coal that will feasibly support a commercial mining operation. The coal may either be Federal coal or be both Federal and non-Federal coal.

(kk) "Operator" means a lessee, licensee or one conducting operations on a lease or exploration license under the authority of the lessee or licensee.

(ll) "Participate" means to have, or take part or share with others, in an exploration license.

(mm) "Permit" means the document that authorizes surface coal mining and reclamation operations on Federal lands issued either by the Director of the Office of Surface Mining Reclamation and Enforcement or, where a cooperative agreement pursuant to section 523 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1273), has been executed by the state regulatory authority (30 CFR Part 741), after approval of a mining plan by the Secretary.

(nn) "Permit area" means the area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the regulatory authority. This area shall include, at a minimum, all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit.

(oo) "Public bodies" means Federal and state agencies; political subdivisions of a State, including counties and municipalities; rural electric cooperatives and similar organizations; and nonprofit corporations controlled by any such entities.

(pp) "Qualified surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

(1) Hold legal or equitable title to the surface of split estate lands;

(2) Have their principal place of residence on the land, or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations; and

(3) Have met the conditions of paragraphs (1) and (2) of this subsection for a period of at least 3 years, except for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (1) and (2) of this section. In computing the three year period the authorized officer shall include periods during which title was owned by a relative of such person by blood or marriage if, during such periods, the relative would have met the requirements of this subsection.

(qq) "Reserves" means recoverable portion of coal deposits which are commercially producible under existing technology and economics. In these regulations, the terms "reserves" and "recoverable reserves" are used interchangeably.

(rr) "Secretary" means the Secretary of the Interior or his authorized representative.

(ss) "Sole party in interest" means a party who is and will be vested with all legal and equitable rights under a lease, bid, or an application for a lease. No one is a sole party in interest with respect to a lease or bid in which any other party has any interest.

(tt) "Split estate" means land in which the ownership of the surface is held by persons, including governmental bodies, other than the Federal government and the ownership of underlying coal is, in whole or in part, reserved to the Federal government.

(uu) "Substantial legal and financial commitments" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal handling and preparation, extraction or storage facilities and other capital intensive activities. Costs of acquiring the coal in place or of the right to mine it without an existing mine are not sufficient to constitute "substantial legal and financial commitments".

(vv) "Surface coal mining operations" means activities conducted on the surface of lands in connection with a surface coal mine or surface operations and surface impacts incident to an underground mine, as defined in section 701(28) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1291(28)).

(ww) "Surface management agency" means the Federal agency with

jurisdiction over the surface of Federally owned lands containing coal deposits.

(xx) "Surface Mining Officer" means the field representative authorized to act for the Director of the Office of Surface Mining, Reclamation and Enforcement.

(yy) "Valid existing rights" as used in section 3461.1 of this title is defined in 30 CFR 761.5.

(zz) "Written consent" means the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal; (2) describe any financial or other consideration given or promised in return for the permission, including in-kind considerations; (3) describe any consideration given in terms of type or method of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and any other person who is a party to the permission; and (5) contain a full and accurate description of the area covered by the permission.

§ 3400.1 Multiple development.

The granting of an exploration license, a license to mine or a lease for the prospecting, development, or production of coal deposits shall preclude neither the issuance of prospecting permits or mineral leases for prospecting, development or production of deposits of other minerals in the same land with suitable stipulations for simultaneous operation, nor the allowance of applicable entries, locations, or selections of leased lands with a reservation of the mineral deposits to the United States.

§ 3400.2 Lands subject to leasing.

The Secretary may issue coal leases on all Federal lands except:

(a) Lands in:

(1) The National Park System;

(2) The National Wildlife Refuge System;

(3) The National Wilderness Preservation System;

(4) The National System of Trails;

(5) The National Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act;

(6) Incorporated cities, towns, and villages;

(7) The Naval Petroleum Reserves, the National Petroleum Reserve in Alaska, and oil shale reserves; and

(8) National Recreation Areas designated by law;

(b) Tide lands, submerged coastal lands within the Continental Shelf adjacent or littoral to any part of land within the jurisdiction of the United States; and

(c) Land acquired by the United States for the development of mineral deposits, by foreclosure or otherwise for resale, or reported as surplus property pursuant to the provisions of the Surplus Property Act of 1944 (50 U.S.C. App. 1622).

§ 3400.3 Limitations on authority to lease.

§ 3400.3–1 Consent or conditions of surface management agency.

Leases for land, the surface of which is under the jurisdiction of any Federal agency other than the Department of the Interior, may be issued only with the consent of the head or other appropriate official of the other agency having jurisdiction over the lands containing the coal deposits, and subject to such conditions as that officer may prescribe to insure the use and protection of the lands for the primary purpose for which they were acquired or are being administered.

§ 3400.3–2 Department of Defense lands.

The Secretary may issue leases with the consent of the Secretary of Defense on acquired lands set apart for military or naval purposes only if the leases are issued to a governmental entity which:

(a) Produces electrical energy for sale to the public;

(b) Is located in the state in which the leased lands are located; and

(c) Has production facilities in that state, and will use the coal produced from the lease within that state.

§ 3400.3–3 Department of Agriculture lands.

Subject to the provisions of § 3400.3–1, the Secretary may issue leases that authorize surface coal mining operations on Federal lands within the National Forest System, provided that such leases may not be issued on lands within a national forest unless the tract is assessed to be acceptable for all or certain stipulated methods of surface coal mining operations under the provisions of Criterion No. 1 in § 3461.1 of this title.

§ 3400.3–4 Trust protection lands.

The regulations in this group do not apply to the leasing and development of coal deposits held in trust by the United States for Indians. See 43 CFR 3400.0–5(t). Regulations governing those deposits are found in 25 CFR Chapter I.

§ 3400.4 Federal/state government cooperation.

(a) In order to implement the requirements of law for Federal-state cooperation in the management of Federal lands, a Department-state regional coal team shall be established for each coal production region defined pursuant to § 3420.3–1(a). The team shall consist of a Bureau of Land Management field representative for each state in the region, who will be the Bureau of Land Management State Director, or, in his absence, his designated representative; the Governor of each state or, in his absence, his designated representative; and a representative appointed by and responsible to the Director of the Bureau of Land Management. The Director's representative shall be chairman of the team. If the region is a multi-state region under the jurisdiction on more than one Bureau of Land Management State Office, the State Director shall designate a Bureau of Land Management representative for each state.

(b) Each regional coal team shall consider and suggest policy for regional leasing target setting, tract delineation, and site specific analysis in the coal production region; guide and review tract ranking; and conduct the selection and sale scheduling process in order to recommend regional lease sale alternatives to be analyzed in the regional lease sale environmental impact statement and to be recommended to the Secretary. Each team member may submit a lease sale schedule alternative which shall be treated equally in the draft and final regional lease sale environmental impact statement.

(c) Upon completion of the final regional lease sale environmental impact statement, the chairman shall submit the recommendations of the regional coal team to the Director. Any disagreement as to the recommendations among the team shall be documented and submitted by the chairman along with the team recommendation. The Director shall submit the final regional environmental impact statement to the Secretary for his decision, together with the recommendations of the team and any recommendations the Director may wish to make after review of the final statement.

(d) The regional coal team shall also serve as the forum for Department/state consultation and cooperation in all other major Department coal management program decisions in the region, concerning preference right lease applications, public body and small business setaside leasing, emergency leasing and exchanges.

(e) Participation in the proceedings of a regional coal team need not be limited to the designated representatives of the

Bureau of Land Management State Directors or the Governors. Additional representatives of state and Federal agencies may participate directly in team meetings or indirectly in the preparation of material to assist the team at any time at the request of the team chairperson. At a minimum, participation shall be solicited from state and Federal agencies with special expertise in topics considered by the team or with direct responsibilities in areas potentially affected by coal management decisions. However, at every point in the deliberations the official team spokespersons for the Bureau of Land Management and for the Governors shall be those designated under paragraph (a) of this section.

(f) If a state declines to participate under this section in the coal-related activities of the Department:

(1) the Department may take action authorized in Group 3400 of this title in a coal production region wholly within such a state without forming a regional coal team, and

(2) the Department may form a regional coal team without a representative of the Governor of such a state in any multi-state coal production region.

PART 3410—EXPLORATION LICENSES

Subpart 3410—Exploration Licenses

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Authority: 30 U.S.C. 181 et seq.

Subpart 3410—Exploration Licenses

§ 3410.0–1 Purpose.

This subpart provides for the issuance of licenses to explore for coal deposits subject to disposal under Group 3400.

§ 3410.0–2 Objective.

The objective of this subpart is to allow private parties singularly or jointly to explore coal deposits to obtain geological, environmental, and other pertinent data concerning the coal deposits.

§ 3410.0–3 Authority.

(a) These regulations are issued under the authority of the statutes listed in § 3400.0–3 of this title.

(b) These regulations primarily implement section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(b)).

§ 3410.0–4 Responsibilities.

(a) The Bureau of Land Management exercises the Secretary's discretionary authority to determine whether exploration licenses are to be issued. The Bureau is also responsible for issuing and cancelling exploration licenses and terminating the period of liability of a licensee under any bond he may have posted as a condition of license issuance. The regulations in this subpart shall be administered by the Director of the Bureau of Land Management through the State Director and the authorized officer, subject to the supervisory authority of the Secretary. The Bureau of Land Management State Office having jurisdiction over the lands involved (43 CFR Subpart 1821) is also the Office of Record.

(b) The Geological Survey exercises the Secretary's authority regarding operations conducted within the area covered by the license, including responsibility for all geological, economic, and engineering determinations.

(c) The authorized officer; in consultation with the Gelogical Survey, and where appropriate, the surface management agency, the Fish and Wildlife Service, and the surface owner, if other than the United States, formulates the requirements to be incorporated in exploration licenses for the protection of the surface resources and for reclamation.

(d) The Geological Survey, after consultation with the authorized officer, and where appropriate, the surface management agency and the surface owner, if other than the United States, shall provide technical review and approval of the exploration plan. The Geological Survey shall recommend bonding requirements to the Bureau of Land Management. Upon the completion of exploration operations, the Geological Survey shall recommend termination of the period of the licensee's liability under any bond posted.

§ 3410.1 Exploration licenses—Generally.

§ 3410.1–1 Lands subject to exploration licenses.

(a) Exploration licenses may be issued for:

(1) Lands administered by the Secretary that are subject to leasing, § 3400.2;

(2) Lands administered by the Secretary of Agriculture through the Forest Service or other agency that are subject to leasing, § 3400.2;

(3) Lands which have been conveyed by the United States subject to a reservation to the United States of the mineral or coal deposits, to the extent that those deposits are subject to leasing under § 3400.2; and

(4) Acquired lands set apart for military or naval purposes.

(b) No exploration license shall be issued for lands included in an existing coal lease.

§ 3410.1–2 When an exploration license is required.

(a) No person may conduct exploration activities for commercial purposes, including sale of data acquired during exploration, on lands subject to this subpart without an exploration license.

(b) An exploration license shall not be required for casual use for other than commercial purposes.

(c) Exploration activities conducted without an exploration license in violation of this section shall constitute a trespass, and shall be subject to the provisions of 43 CFR 9239.5–3(f).

§ 3410.2 Prelicensing procedures.

§ 3410.2–1 Application for an exploration license.

(a) Exploration license applications shall be submitted at the Bureau of Land Management State Office having jurisdiction over the lands covered in the application (43 CFR Subpart 1821). The applications shall be subject to the following requirements:

(1) No specified form of application is required.

(2) An area in a public land survey state for which an application is filed shall be described by legal description or, if on unsurveyed lands, by metes and

bounds, in accordance with § 3471.1–1(d)(1) of this title. An application for an exploration license on acquired lands shall describe the area according to the description in the deed or document by which the United States acquired title in accordance with § 3471.1–1(d)(2) of this title.

(3) Each application shall contain three copies of an exploration plan which complies with the requirements of 30 CFR 211.10(a).

(4) Each application and its supporting documents shall be filed with a nonrefundable filing fee (43 CFR 3473.2).

(5) Exploration license applications shall normally cover no more than 25,000 acres in a reasonably compact area and entirely within one state. An application for an exploration license covering more than 25,000 acres must include a justification for an exception to the normal acreage limitation.

(b) Any person qualified to hold a lease under the provisions in § 3472.1 of this title may apply for an exploration license.

(c) Nothing in this subpart shall preclude the authorized officer from issuing a call for expressions of leasing interest in an area containing exploration licenses or applications for exploration licenses.

(d) Applicants for exploration licenses shall be required to provide an opportunity for other parties to participate in exploration under the license on a pro rata cost sharing basis.

(1) Immediately upon the filing of an application for an exploration license the applicant shall publish a "Notice of Invitation," approved by the authorized officer, once every week for 2 consecutive weeks in at least one newspaper of general circulation in the area where the lands covered by the license application are situated. This notice shall contain an invitation to the public to participate in the exploration under the license. Copies of the Notice of Invitation shall be filed with the authorized officer at the time of publication by the applicant, for posting in the proper Bureau of Land Management Office and for Bureau of Land Management's publication of the Notice of Invitation in the **Federal Register.**

(2) Any person who seeks to participate in the exploration program contained in the application shall notify the authorized officer and the applicant in writing within 30 days after the publication in the **Federal Register.** The authorized officer may require modification of the original exploration plan to accommodate the legitimate exploration needs of persons seeking to participate, and to avoid the duplication of exploration activities in the same area, or may notify the person seeking to participate that the person should file a separate application for an exploration license.

(e) An application to conduct exploration which could have been conducted as a part of exploration under an existing or recent coal exploration license may be rejected.

§ 3410.2–2 Environmental analysis.

(a) Before an exploration license may be issued, the authorized officer shall prepare an environmental assessment of the potential effects of the proposed exploration on the natural and socio-economic environment of the affected area. The environmental assessment shall be prepared in coordination with the Geological Survey review and approval of the exploration plan.

(b) If the authorized officer determines that an environmental impact statement is required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), a statement shall be prepared prior to the decision whether to issue the exploration license.

§ 3410.2–3 Cultural resources.

If lands listed or eligible for inclusion in the National Register of Historic Places contain cultural resources which might be affected by any activity under an exploration license, no exploration license for such land shall be authorized until after compliance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f). Other cultural resource values shall also be protected pursuant to section 105 of the National Historic Preservation Act.

§ 3410.2–4 Threatened or endangered species.

If the proposed exploration would be likely to jeopardize the continued existence of a threatened or endangered species of fauna or flora or destroy or cause adverse modification to its critical habitat, no exploration license for such lands shall be issued. In making this determination the authorized officer shall consult any other surface management agency, and, if the presence of any threatened or endangeed species or its habitat is suspected or known, with the Fish and Wildlife Service in accordance with 50 CFR Part 402.

§ 3410.2–5 Surface management agency.

The authorized officer may issue an exploration license covering lands the surface of which is under the jurisdiction of any Federal agency other than the Bureau of Land Management only in accordance with those conditions prescribed by the surface management agency concerning the use and protection of the nonmineral interests in those lands.

§ 3410.2–6 Substantial disturbance.

No exploration license shall be issued if exploration under it would result in substantial disturbance to the natural land surface and improvements. Substantial disturbance means any disturbance which would cause significant and lasting degradation to the land or injury to improvements, or any disturbance other than that necessary to determine the nature of the overlying strata and the depth, thickness, shape, grade, quality or hydrologic conditions of the coal deposit.

§ 3410.3 Exploration licenses.

§ 3410.3–1 Issuance and termination of an exploration license.

(a) The authorized officer has the discretion to issue an exploration license or to reject the application therefor under this subpart.

(b) An exploration license shall become effective on the date specified by the authorized officer as the date when exploration activities may begin. An exploration license shall not be valid for more than two years from its effective date.

(c) The exploration plan approved by Geological Survey shall be attached and made a part of each exploration license.

(d) Subject to the continued obligation of the licensee and the surety company to comply with the terms and conditions of the exploration license, the exploration plan, and the regulations, a licensee may relinquish an exploration license for all or any portion of the lands covered by it. A relinquishment shall be filed in the Bureau of Land Management State Office in which the original application was filed. See 43 CFR Subpart 1821.

(e) An exploration license may be revoked by the authorized officer for noncompliance with its terms and conditions, the exploration plan, or the regulations, after the authorized officer has notified the licensee of the violation(s) in writing and the licensee has failed to correct the violation(s) within the period prescribed in the notice.

(f) Should a licensee request a modification to the exploration plan, the Mining Supervisor, with the concurrence of the authorized officer, and where appropriate the surface management agency, may approve the modification if geologic or other conditions warrant. If

modification of the exploration plan could result in substantial disturbance to the natural land surface or damage to improvements, the authorized officer, after consultation with the Mining Supervisor, and where appropriate, the surface management agency, may adjust the terms and conditions of the license to mitigate such disturbance or damage. Unless the licensee concurs in the adjusted terms and conditions of the license, the modification of the exploration plan shall not be approved.

(g) When unforeseen conditions that could result in sustantial disturbance to the natural land surface or damage to the environment or improvements are encountered, or when geologic or other physical conditions warrant a modification in the approved exploration plan, (1) the authorized officer, after consultation with the Mining Supervisor, and where appropriate, the surface management agency, may adjust the terms and conditions of the exploration license, or (2) the Mining Supervisor, after consultation with the authorized officer and where appropriate, the surface management agency, may direct adjustment in the exploration plan. If the licensee does not concur in the adjustment of the terms and conditions of the exploration license and exploration plan, he may, under 43 CFR Part 4, appeal the decision modifying the license, or he may relinquish the exploration license.

(h) Exploration licenses shall not be extended. Exploration operations may not be conducted after the exploration license has expired. The licensee may apply for a new exploration license as described in § 3410.3–1. A new exploration license may be issued simultaneously with the termination of the existing exploration license.

§ 3410.3–2 Limitations on exploration licenses.

(a) The issuance of exploration licenses for an area shall not preclude the issuance of a Federal coal lease under applicable regulations for that area. If such a lease is issued for lands included in an exploration license, the authorized officer shall cancel the exploration license on the effective date of the lease for those lands which are common to both.

§ 3410.3–3 Operating regulations.

The licensee shall comply with the provisions of the operating regulations of the Geological Survey (30 CFR Part 211). Copies of the operating regulations may be obtained from the Mining Supervisor. Authorized representatives of the Secretary and, where appropriate the surface management agency shall be permitted to inspect the premises and operations. The licensee shall allow the free ingress and egress of Government officers and other persons using the land under authority of the United States.

§ 3410.3–4 Surface protection and reclamation.

(a) The authorized officer shall include in each exploration license requirements and stipulations to protect the environment and associated natural resources and to ensure reclamation of the land disturbed by exploration.

(b) The approved exploration plan shall not authorize substantial disturbance of the natural land surface or damage to improvements.

(c) The authorized officer may issue an exploration license for Federal lands underlying private surface. The bond amount, when the exploration license will embrace such lands, shall reflect any agreement between the license applicant and the surface owner with respect to compensation for operations on the surface of the lands in the exploration license.

§ 3410.3–5 Bonds.

(a) Bonding provisions in subpart 3474 of this chapter apply to this subpart.

(b) Prior to issuing an exploration license, the authorized officer, after consultation with the Mining Supervisor and, where appropriate, the surface management agency and the surface owner, shall insure that the amount of the bond or bonds to be furnished is sufficient to assure compliance with the terms and conditions of the explorations license, exploration plan and regulations. In no event shall the amount of such bond be less than $5,000.

(c) Upon completion of exploration and reclamation activities that are in compliance with the terms and conditions of the exploration license, the exploration plan, and the regulations, or upon discontinuance of exploration operations and completion of such reclamation as may be needed to the satisfaction of the authorized officer and, where appropriate, the surface management agency, the authorized officer shall terminate the period of liability of the bond. Where the surface of the land being explored is privately owned, the authorized officer shall not terminate the period of liability under the bond until each surface owner has notified the authorized officer, in writing, that the surface has been reclaimed in a satisfactory manner. Should the licensee and any surface owner be unable to agree on the adequacy of the reclamation, the authorized officer shall make the final determination. The period of liability under the bond shall be terminated after it is determined that the terms and conditions of the exploration license, the exploration plan, and the regulations have been met.

§ 3410.4 Collection and submission of data.

(a) The authorized officer may require the applicant to collect ground and surface water data that are available to the licensee in the conduct of the approved exploration plan.

(b) In addition, the licensee shall furnish to the Mining Supervisor copies of all data (including, but not limited to, geological, geophysical, and core drilling analyses) obtained during exploration. The licensee shall submit such data and the methods by which the data were gathered, at such time and in such form as required by the Mining Supervisor. All data shall be considered confidential and not made public until the areas involved have been leased or until the Mining Supervisor determines that public access to the data would not damage the competitive position of the licensee, whichever comes first. (30 CFR 211.6; 43 CFR 2.20.)

§ 3410.5 Use of surface.

(a) A licensee shall be entitled to use for exploration purposes only the surface area of the lands in the exploration license that is authorized in the exploration plan.

(b) Operations under these regulations shall not unreasonably interfere with or endanger operations authorized under any other Act or regulation.

(c) The licensee shall comply with all applicable Federal, state and local laws and regulations, including the regulations in Group 3000 of this title, including Part 3460, and 30 CFR Part 211.

PART 3420—COMPETITIVE LEASING

Subpart 3420—Competitive Leasing

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Subpart 3420—Competitive Leasing

§ 3420.0–1 Purpose.

This subpart sets forth how the Department will conduct competitive leasing of rights to extract Federal coal.

§ 3420.0–2 Objectives.

The objectives of these regulations are to establish policies and procedures for considering development of coal deposits through a leasing system involving land use planning and environmental assessment processes; to ensure that an adequate supply of Federal coal is developed efficiently in compliance with laws, planning processes, and other safeguards designed to protect society and the environment; to ensure that coal deposits are leased at their fair market value; and to ensure that coal deposits are developed in consultation, cooperation, and coordination with the public, state and local governments, Indian tribes and involved Federal agencies.

§ 3420.0–3 Authority.

(a) The regulations in this part are issued under the authority of the statutes cited in § 3400.0–3 of this title.

(b) The regulations in this Part implement: (1) primarily section 2(a) of the Mineral Leasing Act of 1920, as amended by Sections 2 and 3 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201(a)); and (2) the Small Business Act of 1953, as amended (15 U.S.C. 631 et seq.).

§ 3420.0–6 Policy.

All leases except those issued under the provisions of Part 3430 of this title shall be issued competitively. There shall be special opportunity lease sales for qualified public bodies and for small businesses. Before each sale, the Department shall evaluate and compare the method or methods of mining that will achieve the maximum economic recovery of the resource. The Department shall receive fair market value for all coal leased.

§ 3420.1 Procedures.

§ 3420.1–1 General.

Competitive leasing is a component of the Federal coal management program and consists of four principal elements: Comprehensive land use planning; establishment of regional leasing targets; tract delineation, ranking, selection, and scheduling; and lease sale. The application of unsuitability criteria pursuant to subpart 3461 of this title for mining is an integral part of land use planning. All competitive lease sales under this subpart shall be initiated by the Secretary; applications for a competitive lease will be accepted only when filed under the provisions of Subpart 3425 of this chapter.

§ 3420.1–2 Lands subject to evaluation for leasing.

All lands subject to coal leasing under the mineral leasing laws are subject to evaluation under this subpart (43 CFR 3400.2).

§ 3420.1–3 Known recoverable coal resource areas.

No area outside a designated Known Recoverable Coal Resource Area (KRCRA) shall be leased under this subpart. Each KRCRA shall be formally designated by publication in the **Federal Register.**

§ 3420.1–4 Special leasing opportunities.

(a) The Secretary shall, under the procedures established in this subpart, including § 3420.4 of this title, reserve and offer a reasonable number of lease tracts through competitive lease sales open only to a restricted class of potential bidders. Except for the limitation on bidding contained in paragraph (b) of this section, all requirements in this subpart apply equally to special leasing opportunities, including the requirement that coal be leased at its fair market value.

(b) Special leasing opportunities shall be provided for two classes of potential lessees:

(1) Public bodies.

(i) Only public bodies with a definite plan for producing energy for their own use or for their members or customers shall bid for leases designated as special leasing opportunities for public bodies. To qualify as a definite plan, a plan must clearly state the intended use of the coal and have been approved by the governing board of the public body submitting the plan. In the event an electric generating station which will produce energy for the public body is

either jointly owned with or participated in by others, or both, the definite plan shall assure that the public body's proportionate part of the energy produced is utilized pursuant to this paragraph.

(ii) Each public body shall submit evidence of qualification (43 CFR 3472.2–5(a)) as part of its expression of leasing interest or upon submission of a bid if no expression of leasing interest is made.

(iii) The Secretary may designate, during the process of preparing a regional lease sale schedule, certain coal lease tracts for special leasing opportunities for public bodies only if a public body has submitted an expression of leasing interest under § 3420.4–2, requesting that the procedures of this section apply.

(iv) Leases issued under this section to public bodies may be assigned only to other public bodies, or to a person who will mine the coal on behalf of and for the use of the public body, or to a person for the limited purpose of creating a security interest in favor of a lender who agrees to be obligated to mine the coal on behalf of the public body.

(2) Small businesses.

(i) When necessary to comply with the requirements of the Small Business Act, the Secretary shall designate a reasonable number of tracts for special leasing opportunities for businesses qualifying under 13 CFR Part 121.

(ii) Leases issued under this section may be assigned only to other small businesses qualifying under 13 CFR Part 121.

(c) Potential lessees qualifying for special leasing opportunities may participate in competitive lease sales not designated as special leasing opportunities and shall not be required to submit the evidence and information required specifically for a special leasing opportunity to participate.

§ 3420.1–5 General requirements for land use planning.

(a) The Secretary may not issue a lease for coal development under this part unless the lands containing the coal deposits have been included in a comprehensive land use plan or land use analysis and unless the sale is compatible with, and subject to, any relevant stipulations, guidelines and standards set out in that plan or analysis.

(b)(1) The Bureau of Land Management shall prepare comprehensive land use plans and land use analysis for lands it administers in accordance with either the standards in paragraph (c) of this section (but subject to the limitation in paragraph (e) of this section) or the provisions of § 3420.2 of this title.

(2) The Department of Agriculture or any other Federal agency with surface management authority over lands subject to leasing shall prepare comprehensive land use plans and land use analyses for lands it administers, in accordance with the standards in subsection (c) of this section, or in accordance with such general regulations as it may adopt for the preparation of comprehensive land use plans, except as provided in the following paragraph.

(3) The Secretary may lease in an area where it is found either that there is no Federal interest in the surface or that the coal deposits in an area are insufficient to justify the costs of a Federal land use plan, if:

(i) The lands have been included in a comprehensive land use plan prepared, authorized or recognized by the state in which the lands are located, which shall govern Federal coal leasing recommendations affecting surface management except for those decisions for which the Secretary is responsible under the Surface Mining Control and Reclamation Act of 1977, and those recommendations that are in conflict with Federal law; or

(ii) The Secretary has completed, in accordance with the standards in subsection (c) of this section or in accordance with group 1600 of this title, a land use analysis.

(c) In order to qualify as the basis for issuing a lease, the comprehensive land use plan or land use analysis shall have:

(i) considered a range of present and potential resource values and uses in accordance with the principles of multiple use and sustained yield;

(ii) used necessary professional disciplines in the analysis of resource development proposals;

(iii) identified critical environmental areas, if any;

(iv) reflected available, relevant data commensurate with anticipated conflicts in values and potential uses, and with likely levels and impacts of such uses;

(v) developed and analyzed alternative proposals for multiple resource development and use;

(vi) analyzed the significance of values that would be affected by proposed actions in terms of local, regional and national perspectives, consistent with agency directives; and

(vii) been formulated in consultation with appropriate state and local governments and agencies and with the opportunity for public participation, including a public hearing if requested by an adversely affected party.

(d) The Secretary, surface management agency or planning entity within a state shall supplement any plan or analysis to be used for coal activity planning to conform to subsection (c) of this section, if the plan:

(i) does not contain an unsuitability assessment as provided in § 3420.2–3(c) of this title, the Secretary shall conduct such an assessment;

(ii) does not contain the results of the surface owner consultation required under § 3420.2–3(e) of this title, the Secretary shall complete such consultation;

(iii) does not assess the amount of coal recoverable by surface and deep mining operations, the Secretary, surface management agency or planning entity within a state shall make such an assessment; or

(iv) was not prepared in conformity with subsection (c) of this section.

Any assessment or supplementation to the plan or analysis under this subsection shall provide the opportunity for public comment.

(e) After December 31, 1984, activity planning under § 3420.4 of this title may not be initiated with respect to any coal deposits administered by the Bureau of Land Management unless the area is included in:

(i) a comprehensive land use plan or land use analysis prepared in conformity with the regulations in group 1600 of this title; or

(ii) a comprehensive land use plan prepared under §§ 3420.1–5(b) (2) or (3)(i) of this title.

(f) In an area of Federal lands not covered by a completed comprehensive land use plan or scheduled for comprehensive land use planning, a member of the public may petition the appropriate Bureau of Land Management State Office for a land use analysis for coal related uses of the land as provided for in this group.

§ 3420.2 Land use plans prepared by the Bureau of Land Management.

§ 3420.2–1 Preparation of a land use plan.

The Bureau of Land Management shall prepare comprehensive land use plans (termed resource management plans) and land use analyses as provided in Group 1600 of this chapter.

§ 3420.2–2 Coal resource information.

A comprehensive land use plan or land use analysis shall contain an assessment of the amount of coal recoverable by either surface or underground mining operations or both.

§ 3420.2–3 Areas acceptable for further consideration for leasing.

(a) The major land use planning decision concerning the coal resource shall be the identification of areas acceptable for further consideration for leasing, which shall be identified by the screening procedures in subsections (b) through (e) below, and the additional planning considerations in subsections (f) and (g) below. Each screening procedure in subsections (b) through (e) below shall be applied only to those lands still identified as acceptable for further consideration for leasing after application of the screening procedure in each preceding subsection.

(b)(1) Only those areas subject to evaluation for leasing (§ 3420.1–2) that have high or moderate development potential coal deposits shall be considered acceptable for further consideration for leasing.

(2) This determination shall be based generally on the Geological Survey's Coal Resource Occurrence-Coal Development Potential (CRO/CDP) maps. If CRO/CDP maps are not available, the Geological Survey shall use other available data sources to estimate coal development potential for the surface management agency. If other data sources are used, the same criteria for designating coal deposits as high or moderate development potential shall be used. Coal companies, state governments and the general public are encouraged to submit information to the Geological Survey for use in the CRO/CDP mapping program at any time.

(3) Coal companies, state governments, and members of the public may submit non-confidential coal geology and economic data during the earlier inventory phase of planning to the Bureau of Land Management State Office conducting the planning. Where such information is determined to indicate significant development potential for an area not shown to be of moderate or high development potential in the CRO/CDP maps, the area shall be considered moderate development potential and shall not be excluded from further consideration and application of the remaining screens in the land use planning process.

(c) The authorized officer shall, using the unsuitability criteria and procedures set out in Subpart 3461, review Federal lands to assess where there are areas unsuitable for all or certain stipulated methods of coal mining. The unsuitability assessment shall be consistent with any decision of the Office of Surface Mining Reclamation and Enforcement to designate lands unsuitable or to terminate a designation in response to a petition.

(d) Multiple land use decisions shall be made which may eliminate additional coal deposits from further consideration for leasing to protect other resources values of a locally important or unique nature not included in the unsuitability criteria discussed in subsection (c) of this section.

(e)(1) While preparing a comprehensive land use plan or land use analysis, the Bureau of Land Management shall consult with all surface owners who meet the criteria in paragraphs (1) and (2) of § 3400.0–5(pp) of this title, and whose lands overlie coal deposits, to determine preference for or against mining by other than underground mining techniques.

(2) For the purposes of this paragraph, any surface owner who has previously granted written consent to any party to mine by other than underground mining techniques shall be deemed to have expressed a preference in favor of mining. Where a significant number of surface owners in an area have expressed a preference against mining those deposits by other than underground mining techniques, that area shall be considered acceptable for further consideration for leasing only for development by underground mining techniques. In addition, the area may be considered acceptable for further consideration for leasing for development by other than underground mining techniques if there are no acceptable alternative areas available to meet the regional leasing target.

(3) An area eliminated from further consideration by this subsection may be considered acceptable for further consideration for leasing for mining by other than underground mining techniques if:

(i) the number of surface owners who have expressed their preference against mining by other than underground methods is reduced below a significant number because (A) surface owners who expressed their preference against such mining subsequently have given written consent for such mining, or (B) the ownership of the surface estate of surface owners who expressed such a preference is transferred to surface owners who are not surface owners or to surface owners who subsequently provided consent to such mining; and

(ii) the land use plan is amended accordingly.

(f) The land use plan may provide for impact thresholds as described in Group 1600 of this title to manage coal development. Where a threshold level would be reached, the Bureau of Land Management shall halt, suspend or condition further consideration of the areas otherwise considered acceptable for further consideration for leasing.

(g) Where the areas acceptable for further consideration for leasing within a planning unit, in the judgment of the local land manager clearly contain more reserves than are likely to be needed for leasing until the evaluation of the plan conducted under § 1601.5–9 of this title, or analysis, the plan or analysis may specify broad areas greater than 60,000 acres for earliest consideration for leasing, if any is to be done.

§ 3420.2–4 Hearing requirements.

(a) The Bureau of Land Management shall conduct a public hearing on the proposed comprehensive land use plan or land use analysis if it involves the potential for coal leasing before it is adopted if such a hearing is requested by any person who is or may be adversely affected by the adoption of the plan. A hearing conducted under Group 1600 of this chapter may fulfill this requirement.

(b) The authorized officer conducting the hearing shall: (1) publish a notice of the hearing in a newspaper of general circulation at least once in each of two consecutive weeks in the affected geographical area;

(2) provide an opportunity for testimony by anyone who so desires; and

(3) record the proceedings of the hearing.

§ 3420.2–5 Consultation with Federal surface management agencies.

Where a Federal surface management agency other than the Bureau of Land Management administers limited areas overlying Federal coal within the boundaries of a comprehensive land use plan or land use analysis being prepared by the Bureau of Land Management, the Bureau of Land Management shall consult with the other agency to obtain its recommendations as to the acceptability for further consideration for leasing of the land the other agency administers.

§ 3420.2–6 Consultation with States and Indian tribes.

Before adopting a comprehensive land use plan or land use analysis that makes any formal assessment of lands acceptable for further consideration for leasing, the Bureau of Land Management or other surface management agency shall consult with the state Governor and the state agency charged with the responsibility for maintaining the state's unsuitability program (43 CFR 3461.4–1).

Where a tribal government administers areas within or near the boundaries of a comprehensive land use plan or land use analysis being prepared by the Bureau of Land Management, the Bureau shall consult with the tribal government to obtain its recommendations concerning the unsuitability assessment.

§ 3420.2-7 Identification of lands as acceptable for further consideration.

Identification of lands as acceptable for further consideration for leasing will be made in the adoption of a comprehensive land use plan or land use analysis. Any lands identified as acceptable may be further considered for leasing under § 3420.4 of this title.

§ 3420.3 Regional production goals and leasing targets.

§ 3420.3-1 General.

(a)(1) The coal production regions to which this section applies shall be set out by notice in the **Federal Register**. They may be changed, or their boundaries altered, by publication in the **Federal Register**.

(2) If any region so established, wholly east of the 100th meridian, contains insufficient Federal coal deposits to justify treating coal leasing in the entire region through activity planning under § 3420.4 of this title, such a notice may prescribe areas within such a region in which activity planning is unlikely to occur in the foreseeable future and in which applications to lease shall be accepted under § 3425.1-5 of this title.

(b) The Secretary in consultation with the Secretary of the Department of Energy, affected state Governors, Indian tribes and other concerned parties shall biennially adopt regional coal production goals provided by the Department of Energy, adjusted as provided in §§ 3420.3-2 (e) and (f) of this title. The Secretary shall also establish regional leasing targets for the purposes of setting Departmental priorities, aiding the states in planning for potential future impacts of coal development, and supplying the guidance for establishing the amount of coal to be offered through proposed lease sale schedules.

§ 3420.3-2 Evaluation of coal needs.

This section sets out the process the Department shall follow in establishing regional coal needs and appropriate coal management actions.

(a) Proposed regional production goals stating the desired levels of production of various types of coal shall be established by the Department of Energy consistent with the procedures as agreed to by the Secretaries of Energy and of the Interior on production goals for energy resources on Federal lands.

(b) The Secretary shall, within 60 days of receipt of the proposed production goals, review and comment thereon to the Secretary of Energy. The Secretary shall inform the Secretary of Energy of potential policy conflicts or problems concerning, but not limited to: (1) the Department's responsibility for the management, regulation, and conservation of natural resources; (2) the capabilities of Federal lands and Federal coal resources to meet the proposed goals; and (3) the national need for coal resources balanced against the environmental consequences of developing these resources.

(c) The Secretary of Energy shall issue final production goals not more than 30 days after receipt of the Secretary's comments. In establishing or revising regional lease sale schedules, the Secretary shall be guided by these final production goals of the Department of Energy.

(d) The Department of Energy's final production goals and related production statistics of the Department of the Interior shall be provided to the regional coal teams. Each team shall consider the regional situation and recommend adjustments to the relevant regional production goal based on such factors as (1) public comment received in writing or in hearing(s) held by the team in the region, (2) state government, Bureau of Land Management State Office, Indian tribe and regional development policies, (3) administrative capacity to satisfy the indicated level of leasing based on the Department of Energy's final production goals, and (4) other information available to the regional coal teams which they believe should receive consideration by the Secretary in his review of the Department of Energy's final regional production goals. Notice of hearings held under this subsection shall be published in the **Federal Register** and in at least one newspaper of general circulation in each state in the region.

(e)(1) The Secretary shall consider the findings and recommendations of the regional coal teams and other relevant information and review the Department of Energy's final regional production goals to determine whether any adjustments thereto are necessary.

(2) The Secretary shall also establish preliminary regional leasing targets, based on: the Department of Energy's final regional production goals; recommendations of the regional coal teams about feasible regional leasing targets; and other relevant information. In establishing the preliminary regional leasing targets, the Secretary shall evaluate, at a minimum: the expected and potential production for existing coal leases; noncompetitive coal leases, non-Federal coal holdings and expected non-Federal (including Indian tribal) leasing; and the level of competition within the coal region.

Consideration shall also be given to the relative economic, social and environmental differences among the coal production regions, the comparative environmental and other benefits of developing Federal rather than non-Federal coal, and other factors as the Secretary deems appropriate. Preliminary regional leasing targets shall:

(i) reflect the difference between desired levels of production in the region and projected supplies, including supplies of specific types of coal;

(ii) be set out on the basis of coal reserve tonnages;

(iii) be for 4 years; and

(iv) take into consideration the coal that would come into production as a result of Federal leasing.

(f)(1) The Secretary shall either adopt the Department of Energy's final regional production goals or make the necessary adjustments thereto and then adopt the goals, as adjusted. Upon adoption of the Department of Energy's final regional production goals with or without adjustments, such goals, together with the reasons for adjustments, if any, shall be transmitted to the Secretary of Energy.

(2) The preliminary regional leasing targets and regional production goals as adopted with or without adjustment by the Secretary shall be published simultaneously in the **Federal Register** and in a newspaper of general circulation in each state in the region.

(g) In the process of adopting the Department of Energy's final regional production goals and establishing preliminary regional leasing targets, the Secretary may call a national conference of the regional coal teams to review their recommendations.

(h) In addition to participating in the regional hearings specified in subsection (d) of this section, the coal and utility industries, agricultural and community organizations, environmental groups Indian tribes and other concerned parties shall be afforded the opportunity to submit their views on the regional production goals, as adopted by the Secretary, and on the preliminary regional leasing targets by responding to the notice in the **Federal Register** as prescribed in subsection (f) of this section, and, if requests are received,

from the public through additional hearing(s).

(i) The Secretary shall consult with the State Governors seeking their views concerning the Department of Energy's final regional production goals, those goals as adopted by him, and the preliminary leasing targets. The Secretary shall particularly seek the Governors' views regarding the relationship between the preliminary regional leasing targets and potential social and economic effects on the State and region.

(j) Based on the consultation with State Governors, consideration of the Department of Energy's final regional production goals, as adopted, and the comments received on these goals and the preliminary regional leasing targets, and the comments received, the Secretary shall adopt final regional leasing targets for the guidance of regional coal teams as set out in § 3420.3–3 of this title.

(k) Two years after the adoption each of new regional lease sale schedule, the Secretary shall review the final regional leasing target which applies to that schedule throught the process set out in paragraphs (b) through (j) of this section and, if necessary, revise the final regional leasing target for the final 2 years of the sale schedule. If there is a new regional leasing target requiring a major change in the tracts proposed for sale, a 2 year supplement to the regional lease sale environmental impact statement shall be prepared.

(l) The regional leasing targets established for the regional lease sales in 1981 or 1982 may be established by the Secretary based on the analysis presented in the Final Environmental Statement, Federal Coal Management Program, and related analyses without regard to the provisions of paragraphs (a) through (j) of this section.

§ 3420.3–3 Use of final regional leasing targets.

(a) The final regional leasing targets shall guide the regional coal teams in the preliminary delineation, ranking, selection and scheduling of tracts for lease sale in the coal production regions.

(b) The final regional leasing targets do not represent final leasing decisions and may, with the approval of the Secretary, be revised by the regional coal teams, prior to the adoption of a lease sale schedule by the Secretary, as a result of consideration of national needs and social, economic, and environmental factors that are taken into account during the tract ranking, selection, and scheduling process. Circumstances justifying a revision of a final regional leasing target may include the following:

(1) Expressed industry interests in coal development in the region not reflected in the final regional leasing target;

(2) Expressed interests and reasons there for from a community or group of communities for or against coal development in the adjacent and surrounding areas;

(3) Expressed interests for special opportunity sales;

(4) Adjustments indicated by the success or failure of the scheduled lease sales in meeting the final regional leasing targets;

(5) An expressed desire on the part of the state or local government to shift or disperse development patterns in the region or sub-region by additional leasing, reductions in leasing, or shifts in locations of lease sales; and

(6) Results from the analyses contained in the regional lease sale environmental statement.

(c) Whether or not the regional coal team proposes a revision of the relevant final regional leasing target, one alternative analyzed in the regional lease sale environmental impact statement shall be the final leasing target established pursuant to § 3420.3–2(j) of this title.

(d) Where a regional coal team elects to propose a revision of the relevant final regional leasing target during the selection of tracts proposed for lease sale and the design of the recommended regional lease sale schedule, the team shall clearly set out the proposed revision and the reasons therefor in the regional sale environmental impact statement and request public comment on the proposed revision in the public participation process for the regional lease sale environmental impact statement. Such a proposed revision shall not become effective unless and until the Secretary approves the recommended alternative leasing target and schedule.

§ 3420.3–4 Environmental analysis.

An environmental assessment in the form of an updating of the most current environmental impact statement on the Federal coal management program shall be conducted by the Secretary if he:

(a) Determines that the regional production goals and regional leasing targets established in accordance with §§ 3420.3–2(e) and 3420.3–2(l) vary significantly from those analyzed in the most current version of the coal programmatic statement; or

(b) Determines that the tracts available for selection in the next round of the tract ranking, selection, and scheduling process (Section 3420.4–4) in any given region(s) may generate significantly different levels or types of environmental impacts than were anticipated in the most current coal programmatic environmental statement.

§ 3420.4 Activity planning—The leasing process.

§ 3420.4–1 Area identification process.

(a) This section describes the process for identifying, ranking, selecting, and scheduling lease tracts after land use planning has been completed. This process constitutes the "activity planning" aspect of the coal management program. Activity planning may occur where areas acceptable for further consideration for leasing have been identified by land use planning completed consistent with the provisions of § 3420.1–5 of this title.

(b) Split estate land otherwise acceptable for further consideration for leasing shell, upon verfication of a refusal to consent received from a qualified surface owner under § 3427.2 of this title, be deleted from further activity planning.

§ 3420.4–2 Expressions of leasing interest.

(a) A call for expressions of leasing interest may be made after areas acceptable for further consideration for leasing have been identified by land use planning completed consistent with the provisions of § 3420.1–5 of this title. The call may be made in any one, several, or all of the above mentioned areas when the Secretary determines, using the regional production goals and regional leasing targets established under § 3420.3–2 of this title, that additional Federal coal leasing may be needed to meet local, state, or national needs in the foreseeable future.

(b) Each call for expressions of leasing interest shall be published as a notice in the **Federal Register** and in at least 1 newspaper of general circulation in each affected state. This notice of request shall specify the area or areas involved, information required, the time period within which expressions may be submitted, where to write for further information and where to submit expressions.

(c) The expressions of leasing interest process provided for in this subpart is not exclusive. Any individual, business entity, governmental entity, or public body may participate in the general public participation opportunities and procedures that are part of the land use planning process which precedes the call for expressions of leasing interest.

(d) Entities qualifying for leasing public body opportunities as defined in § 3420.1–4(b)(1)of this title shall make their intentions known through submission of expressions of leasing interest when called for by the Secretary.

(e) Any expressions of leasing interest may include supportive nonproprietary data. Such data may include, but are not limited to, location and quantities and types of coal (including coking coal) desired, time frames for development, proposed uses of coal, technical coal data, commitments between private surface and coal owners and adjacent land owners or lessees, and basic development proposals. Expressions which identify quantity and quality of coal and timing of need without specifying a location shall be given as serious consideration in activity planning as those that specify a location. Data which are considered proprietary shall not be submitted as part of an expression of leasing interest.

(f) All information submitted under this subpart shall be available for public inspection and copying upon request.

§ 3420.4–3 Preliminary tract delineation.

(a) Preliminary tracts shall be delineated for analysis during ranking, selection, and scheduling. Although only unleased Federal coal deposits can be included in a lease sale, for the purpose of analysis, the preliminary tracts may include non-Federal and leased Federal as well as unleased Federal coal reserves and may include existing mining operations.

(b) In addition to expressions of leasing interest, factors to be considered in delineating preliminary tracts may include, but are not limited to:

(1) Technical coal data, including reserve tonnage, rank, sulfur content, seam thickness, and ratio of overburden to recoverable coal;

(2) Conservation considerations, including preliminary indications of maximum economic recovery, mixed land ownership patterns, and the potential formation of logical mining units; and

(3) Surface ownership, including surface owners' preferences expressed in consultation during land use planning, and the existence of written consents from qualified surface owners and their terms.

(c) The potential tracts shall be delineated in accordance with § 3471.1–2 of this title and by seam(s) or coal bed(s). More than one potential tract may be delineated for a specific coal bed or potential mining unit.

(d) When public bodies have submitted expressions of leasing interest, tracts shall be delineated when and where technically feasible for public body special leasing opportunities in accordance with § 3420.1–4 of this title.

(e) In cooperation with the Small Business Administration, tracts may be delineated when and where technically feasible for small business special leasing opportunities in accordance with § 3420.1–4 of this title.

(f) Other tracts to be used in a lease or fee exchange (43 CFR Subparts 3435, 3436, and 3437) may be delineated.

(g) A tract profile shall be formulated for each preliminary tract. The profile shall include:

(1) A summary of the information used in the delineation of the tract, and

(2) A site-specific environmental inventory and preliminary analysis.

(h) The regional coal team shall determine the location, priority, and timing of both preliminary tract delineation and site-specific environmental inventory and analysis.

§ 3420.4–4 Regional tract ranking, selection, and scheduling.

(a) If there is a final regional leasing target adopted under § 3420.3–2(j) of this title for any given region, tracts shall be ranked and selected, and a proposed lease sale schedule shall be prepared pursuant to this section. Tracts may also be ranked for other coal management purposes, such as exchanges under subparts 3425, 3436 and 3437 of this title.

(b)(1) The ranking classes shall be those of high, medium and low desirability. Three major categories of considerations shall be used in tract ranking: coal economics; impacts on the natural environment; and socio-economic impacts. The subfactors to be considered under each category shall be those determined by the regional coal team as appropriate for that region, and shall be published in the regional lease sale environmental impact statement required by § 3420.4–5 of this title. The regional coal team shall defer the ranking of any given preliminary tract for which they determine there is generally insufficient data.

(2) The regional coal teams may modify tract boundaries being ranked in order to reflect analyses conducted in developing the tract profile.

(3) The regional coal team shall solicit the recommendations of Federal and state agencies having appropriate expertise. These Federal agencies shall include but are not limited to the Department of Energy, the Fish and Wildlife Service, the Geological Survey, and the Office of Surface Mining Reclamation and Enforcement, and any Federal agency that administers the surface of any lands in a preliminary tract.

(4) Where Federal leasing decisions are likely to have impacts on lands held in trust for an Indian tribe, the regional coal management team shall solicit the recommendations of the tribe.

(c)(1) Upon completion of tract ranking, the regional coal team shall select tracts for inclusion in alternative proposed lease sale schedules or for other management purposes to be forwarded to the Secretary for final selection.

(2) The regional coal team may adjust the tract ranking in the selection process, and select tracts for scheduling from the tract ranking, using considerations including: (i) the compatibility of coal quality, coal type and market needs; (ii) cumulative environmental and socioeconomic impacts; (iii) the compatibility of reserve size and demand distribution for tracts; (iv) public opinion; (v) avoidance of future by-pass situations; and (vi) special leasing opportunity requirements.

(3) The regional coal team shall identify all those combinations of tracts which they feel may be equally desirable to meet the applicable final regional leasing target. In addition to tract combinations designed to meet the leasing target, the team may recommend tract combinations representing alternative leasing targets based on its analysis of environmental impacts or revised regional coal demand, but the reasons for all such recommendations shall be thoroughly documented.

(4) All alternative tract selections shall be subject to any restrictions placed on leasing actions by the comprehensive land use plans or land use analyses that include the tracts.

(d) A notice of intent to rank tracts shall be published in the Federal Register and selected newspapers of general distribution within the region before the ranking process begins. The notice shall contain a description of the tracts to be ranked and procedures under which any interested parties may become involved in the process.

(e) The results of the process, including the tract rankings, the tracts selected, the proposed schedule, and the list of ranking criteria used shall be published in the regional lease sale environmental impact statement prepared on the proposed lease sale schedule and its alternatives (Section 3420.4–5). Detailed information on each of the tracts ranked will be available for

inspection in the Bureau of Land Management State Offices that have jurisdiction over lands within the coal production region (43 CFR Subpart 1821). Those parties interested in commenting on the results of the tract ranking, selection and scheduling process shall have the opportunity to do so in the environmental impact statement process, prior to any final decision by the Secretary to adopt a regional sale schedule including any of the selected tracts.

(f) Upon the close of the comment period on the draft environmental impact statement, the regional coal team shall analyze the comments and make any revisions in the ranking, selection and scheduling analysis they feel are necessary. The team shall then forward their final recommendations of alternatives for a regional leasing schedule to the Director, consistent with § 3400.4(c) of this title.

(g) The tract ranking, selection, and scheduling process shall normally be repeated every 4 years with an update performed every 2 years, if needed, in accordance with the Secretary's determination, based on the regional production goals and regional leasing targets, that the regional lease sale schedule should be revised. The Secretary may, in consultation with the Governor(s) of the affected state(s) and surface management agencies, initiate or postpone the process to respond to considerations such as major planning updates, new preliminary tract delineations, and increases or decreases in regional leasing targets.

§ 3420.4–5 Environmental analysis.

(a) In conjuction with the tract ranking, selection and scheduling process, a regional environmental impact statement on the alternative lease sale schedules shall be prepared in accordance with the provisions of the National Environmental Policy Act. The statement shall consider both:

(1) The site-specific potential environmental impacts of each tract being considered for lease sale; and

(2) The intraregional cumulative environmental impacts of the proposed leasing action and alternatives, and other coal development activities.

(b) The regional lease sale environmental impact statement prepared for the original regional lease sale schedule shall be updated if the Secretary makes any significant alterations to that schedule not considered in the original environmental impact statement.

(c) The procedures for completion and contents of such statement are further treated in §§ 3400.4(c) and 3420.4–4 of this title.

§ 3420.4–6 Public meetings on proposed tracts.

After the draft regional lease sale environmental impact statement has been completed on alternative lease sale schedules, public meetings shall be held in the region to announce and discuss the results of the ranking, selection, and scheduling process; the alternative lease sale schedules; and the potential impacts, including proposed mitigation measures.

§ 3420.5 Final consultations.

§ 3420.5–1 Timing of consultation.

Following the release of the final regional lease sale environmental impact statement, and prior to adopting a regional lease sale schedule, the Secretary shall engage in formal consultation as specified in §§ 3420.5–2 through 3420.5–5 of this title.

§ 3420.5–2 Consultation with surface management agencies.

(a) The Secretary, for any proposed lease tract containing lands the surface of which is under the jurisdiction of any agency other than the Department, shall request that the agency: (1) consent, if it has not already done so, to the issuance of the lease (43 CFR 3400.3–1), and (2) if it consents, prescribe the terms and conditions the Secretary will impose in any lease which the head of the agency requires for the use and protection of the nonmineral interests in those lands.

(b) The Secretary may prescribe additional terms and conditions that are consistent with the terms proposed by the surface management agency to protect the interest of the United States and to safeguard the public welfare.

§ 3420.5–3 Consultation with Governors.

(a) The Secretary shall consult the Governor of the state in which any tract proposed for sale is located. The Secretary shall give the Governor a specified period of time to comment, not less than 30 days nor more than 60 days, before publishing a notice of sale for any tract within the state.

(b) When a tract proposed for lease sale within the boundaries of a National Forest would, if leased, be mined by surface mining methods, the Governor of the state in which the land to be leased is located shall be so notified by the Secretary. If the Governor fails to object to the lease sale proposal in 60 days, the Secretary may publish a notice of sale, including that tract. If, within the 60 day period, the Governor, in writing, objects to the lease sale proposal, the Secretary may not publish a notice of sale for that tract. Publication of the notice of sale shall be held in abeyance for 6 months from the date that the Governor objects. The Governor may, during this six-month period, submit a written statement of reasons why the tract should not be proposed for lease sale, and the Secretary shall, on the basis of this statement, reconsider the lease sale proposal.

§ 3420.5–4 Consultation with Indian tribes.

The Secretary shall consult with any Indian tribe which may be affected by the adoption of the proposed regional lease sale schedule. The Secretary shall give the tribe a specified period, not less than 30 days nor more than 60 days, in which to comment prior to adopting a lease sale schedule.

§ 3420.5–5 Consultation with the Attorney General.

The Secretary shall consult with and give due consideration to the advice of the Attorney General before the adoption of the proposed regional lease sale schedule. The Secretary shall provide not less than 30 days nor more than 60 days in which the Attorney General may advise the Secretary prior to adopting a lease sale schedule.

§ 3420.6 Qualified surface owner consent considerations.

§ 3420.6–1 Receipt and consideration of written consent.

(a) Prior to making a final decision on a regional lease sale schedule, the Secretary shall consider what written consents have been received for those lease tracts under consideration for inclusion in the regional lease sale schedule, in accordance with the split estate leasing provisions of this title.

(b) All other ranking, selection and scheduling factors being nearly equal, those tracts for which acceptable written consents have been received shall be chosen for inclusion in the regional coal lease sale schedule over those for which no acceptable written consents have yet been received.

§ 3420.6–2 Announcement of tracts under consideration.

With the release of the final regional lease sale environmental impact statement, the Secretary shall publish an announcement in the Federal Register containing:

(a) a legal description of all tracts under consideration for inclusion in the regional lease sale schedule, and

(b) the deadline for anyone to submit the written consent of any qualified surface owner for any tract under

consideration by the Secretary for selection for inclusion in the regional lease sale schedule.

§ 3420.7 Adoption of final regional lease sale schedule.

§ 3420.7-1 Announcement.

Following completion of the requirements of §§ 3420.5 and 3420.6 of this title the Secretary shall announce a final regional lease sale schedule. The announcement shall be published in the Federal Register and contain a legal description of each tract included in the lease sale schedule and the date when each tract has been tentatively scheduled for sale. Notice of this announcement shall be published in at least 1 newspaper of general distribution in each state within the region for which the regional lease sale schedule is adopted.

§ 3420.7-2 Revision.

(a) The Secretary may revise either the list of tracts included in the schedule or the timing of the lease sales in accordance with any alternatives which were considered in the regional lease sale environmental impact statement and during consultation under § 3420.5 of this title, if such revision would be in the public interest. Notice of any such revision shall be published in the same manner as the announcement of the original regional lease sale schedule.

(b) Any regional lease sale schedule may be updated or replaced as a result of a new regional tract ranking, selection, and scheduling effort conducted in accordance with the provisions of § 3420.4-4 of this title.

Subpart 3422—Lease Sales

§ 3422.1 Economic evaluation.

§ 3422.1-1 Mineral evaluation and comments on fair market value and maximum economic recovery.

After announcement of the regional lease sale schedule, and in any case not less than 30 days prior to the publication of a notice of sale, the authorized officer shall:

(a) Solicit public comment on the fair market value of the tract or tracts proposed to be offered. Such solicitation shall ask for comments on these items which affect the appraisal such as the terms and conditions of similar market transactions, the quality and extent of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the interest rate at which anticipated income streams should be discounted, depreciation and other accounting factors, the value of the surface estate (if private surface), the mining method or methods which would achieve maximum economic recovery of the coal and any other items which might affect the appraisal of the tract or tracts. Such comments will be solicited for a period of not less than 30 days. The authorized officer shall forward a copy of all comments to the Geological Survey.

(b) Request from the Geological Survey and evaluation including a coal resource economic value (CREV) and a maximum economic recovery (MER) determination. Prior to issuance of the sale notice, the Geological Survey shall forward this evaluation to the authorized officer. This evaluation shall include the coal resource economic value, mining method evaluation, estimated recoverable reserves by bed, preliminary MER indication, coal quality assessment, royalty and lease bond recommendations; an estimate of reclamation fees that mining the tract would generate, and an evaluation of the public comments on fair market value and maximum economic recovery.

(c) Proprietary data marked as confidential may be submitted to the authorized officer in response to the solicitation of public comments. Data so marked shall be treated in accordance with the Freedom of Information Act.

§ 3422.1-2 Estimated fair market value determination.

(a) When the mineral evaluation and accompanying information is received from the Geological Survey, the authorized officer shall estimate the fair market value of the tract proposed for lease sale. Minimum bonus bids shall be not less than $25 per acre. When the estimated fair market value has been determined, the authorized officer shall inform the Geological Survey of the determination.

(b) The fair market value determinations for public body lease sales shall be derived in the same manner as for other lease sales.

§ 3422.2 Notice of sale.

(a) Prior to the lease sale, the authorized officer shall publish a notice of the proposed sale in the Federal Register and in a newspaper(s) of general circulation in the county or equivalent political subdivision in which the tracts to be sold are situated. The newspaper notice shall be published not less than once a week for 3 consecutive weeks. Such notice shall also be posted in the Bureau of Land Management State Office and shall be mailed to any surface owner of lands noticed for sale. The lease sale shall not be held until at least 30 days after such posting in the State Office.

(b) The notice shall:

(1) List the time and place of sale, the type of sale, bidding method (whether by sealed or oral bid), rental, and the description of the tract(s) being offered and the minimum acceptable bids to be considered;

(2) Contain the pre-lease indication of maximum economic recovery by bed of coal to be mined as a guide to bidders, even though this determination would not be a lease term, and would be subject to revision in the formal MER determinations to be made in mine plan approval; and

(3) Contain information on where a detailed statement of the terms and conditions of the lease(s) which may result from the lease sale may be obtained.

(c) The detailed statement of the terms and conditions of the lease(s) offered and bidding instructions for sale shall:

(1) Contain an explanation of the manner in which the bids may be submitted;

(2) Contain a statement that, if sealed bids are submitted, they may not be modified or withdrawn unless the modifications or withdrawals are received prior to the time fixed for opening the bids;

(3) Contain a statement that, if the sale is by oral bid, sealed bids may also be submitted;

(4) Contain a warning to all bidders concerning 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders;

(5) Specify that the Secretary reserves the right to reject any and all bids and the right to offer the lease to the next highest qualified bidder if the successful bidder fails to obtain the lease for any reason;

(6) Specify that, if any bid is rejected, any deposit shall be returned;

(7) Contain a notice that each bid shall be accompanied by the bidder's qualifications (43 CFR 3472.2-2);

(8) Contain a notice to bidders that the winning bidders shall have to submit the information required by the Attorney General for post-sale review (43 CFR 3422.3-4);

(9) Require the bidder to pay one fifth of the cash bonus bid;

(10) If appropriate, contain a copy of any written consent given by a qualified surface owner and its terms, including payments which the high bidder, if not the holder of the consent, will have to make;

(11) If appropriate, contain a notice that bidders shall file a statement that

all information they hold relevant to written consents affecting any area offered in the sale in which the bid is submitted has been filed with the proper Bureau of Land Management State Office (43 CFR Subpart 1821) in accordance with the provisions of subpart 3427 of this title; and

(12) Contain a copy of the proposed lease, including all terms and conditions, and including all stipulations concerning compliance with the requirements of the Surface Mining Control and Reclamation Act to be made a part of the lease.

(d) The successful bidder, if any, shall reimburse the Government for the cost of publishing the notice of sale as a condition of lease issuance.

§ 3422.3 Sale procedures.

§ 3422.3-1 Conduct of sale.

(a)(1) Sealed bids shall be received only until the hour on the date specified in the notice of competitive leasing; all sealed bids submitted after that hour shall be returned. The authorized officer shall read all sealed bids, and shall announce the highest bid. (2) If the announced procedure is to receive sealed bids followed by oral bids, the authorized officer conducting the sale shall open and read the sealed bids, after which the oral bidding shall begin at the level of the highest sealed bid. Only those submitting sealed bids may offer oral bids. After the oral bidding has ceased, the highest bid shall be announced. (3) No decision to accept or reject the high bid will be made at the time of sale.

(b) A sale panel shall convene to determine: (1) if the high bid was properly submitted; (2) if it reflects the fair market value of the tract; and (3) whether the bidder is qualified to hold the lease. The recommendations of the panel shall be sent to the authorized officer who shall make the final decision to accept a bid or reject all bids. The successful bidder shall be notified in writing. The Department reserves the right to reject any and all bids regardless of the amount offered, and shall not accept any bid that is less than fair market value. The authorized officer shall notify any bidder whose bid has been rejected and include in such notice a statement of the reason for the rejection. The Department reserves the right to offer the lease to the next highest qualified bidder if the successful bidder fails to execute the lease, or is for any reason disqualified from receiving the lease.

(c) Each sealed bid shall be accompanied by a certified check, cashier's check, bank draft, money order, certificate of bidding rights, personal check or cash for one-fifth of the amount of the bonus, and a qualifications statement over the bidder's own signature with respect to citizenship and interests held, as prescribed in § 3472.2–2 of this title. A high oral bidder shall tender by certified check, cashier's check, bank draft, money order, certificate of bidding rights, personal check or cash at the close of bidding any additional amount necessary to bring the amount tendered with his sealed bid up to one fifth of his oral bid.

§ 3422.3-2 Other bidding systems.

(a) The use of intertract bidding competition is authorized when, and if, the Bureau of Land Management and the Geological Survey in consultation with the Department of Energy determine it is needed in the public interest. The authorization to use intertract bidding competition does not preclude the use of any other form of competitive bidding procedures.

(b) In intertract bidding competition, the winning bidders, if any, are selected by determining first the tract with the single highest bid per ton of reserves among all tracts, then the tract with the second highest bid, and so forth. The bids may be weighted to compensate for differences in the physical quality of the coal in such tracts. If leases are awarded they shall be awarded for tracts proceeding in this sequence until the total reserve tonnage sought to be leased in that sale has been reached. Tracts receiving lower bids per ton shall not be leased as a result of a bid submitted in that sale.

§ 3422.3-3 Unsurveyed lands.

If the land is unsurveyed, the successful bidder shall not be given notice to comply with the requirements of § 3422.4 of this title for lease issuance until the land has been surveyed as provided in § 3471.1–2 of this title.

§ 3422.3-4 Consultation with the Attorney General.

(a) Definitions.

As used in this section, the term:

(1) "Moist mineral matter free", "dry mineral free", "low volatile", "high volatile", "bituminous", "subbituminous" and "lignite" are defined as in ANSI/ASTM D 388–77.

(2) "Committed reserves" means estimated volume of reserves necessary to fulfill current contractual commitments and reserves set aside for own use.

(3) "Uncommitted reserves" means all reserves not committed.

(4) "Affiliate" of the successful bidder means any person, association or corporation which controls, is controlled by, or is under common control with the successful bidder.

(5) "Control" includes having or acquiring effective power or influence to determine the policies, business practices or decisionmaking processes of another person, association or corporation, whether such power or influence is actual or legal and whether exercised directly through ownership of stock or assets, representation on the board of directors or election of one or more officers. Control shall be presumed to exist whenever any person, association or corporation owns 10 percent or more of the outstanding voting securities of another person, association or corporation.

(6) "Joint venture" means a corporation, partnership or association through which the successful bidder (or one or more affiliates of the successful bidder) and one or more non-affiliate corporations, partnerships or associations own or lease coal reserves.

(7) "Free swelling index" is defined as in ANSI/ASTM D720–67.

(b) Subsequent to a lease sale, but prior to issuing a lease, the authorized officer shall require the successful bidder to submit on a form or in a format approved by the Attorney General the information set out in this section relating to the bidder's coal holdings to the authorized officer for transmittal to the Attorney General. Upon receipt of the information, the authorized officer shall notify the Attorney General of the proposed lease issuance, the name of the successful bidder and the terms of the proposed lease and shall transmit the following statement on coal holdings. The successful bidder's submission shall include the following best available information required by the Attorney General for each coal tract or deposit controlled by the bidder:

(1) With regard to coal subject to the lease to be issued:

(i) Tract description (including state and county);

(ii) Total estimated in-place reserves;

(iii) Total estimated recoverable coal reserves;

(iv) Moist mineral matter free BTU content;

(v) Sulfur content of raw coal;

(vi) Anticipated sulfur content of coal as shipped;

(vii) Dry, mineral matter free volatile matter (for bituminous coal only); and

(viii) Free Swelling Index (for bituminous coal only).

(2) With regard to all coal holdings owned, leased or controlled by the successful bidder or any affiliate(s) of the successful bidder, or owned, leased or controlled by any joint venture of the successful bidder or any affiliate of the successful bidder at the time of the submission to the authorized officer:

(i) A separate listing of tons of total, and uncommitted in place and committed in place coal reserves by State (except that eastern and western Kentucky shall be reported separately) in the following categories:

(A) Low and medium volatile bituminous coal with a Free Swelling Index greater than 4 and with not more than 1 percent sulfur;

(B) Low and medium volatile bituminous coal with a Free Swelling Index greater than 4 and with more than 1 percent sulfur;

(C) High volatile bituminous coal with a Free Swelling Index greater than 4 and with no more than 1 percent sulfur;

(D) High volatile bituminous coal with a Free Swelling Index greater than 4 and with more than 1 percent sulfur;

(E) All other bituminous coal;

(F) Subbituminous coal;

(G) Lignite;

(H) Total coal; and

(I) Federal coal.

(ii) In the case of a joint venture, reserves shall be prorated according to shares of the joint venture for inclusion in the categories in paragraph (b)(2)(i).

(3) A list of all affiliates and joint ventures of the successful bidder owning, leasing or controlling coal reserves. In the case of a joint venture, the share of the joint venture shall be indicated.

(4) A statement indicating whether the successful bidder, any affiliate or any joint venture including the successful bidder or an affiliate is an railroad, a nuclear fuel fabricator or converter, or an electric utility. If so, each such company shall be identified.

(5) Upon notification by the authorized officer, and additional information the Attorney General may find necessary in order to complete his review of any proposed lease issuance.

(c) Where a successful bidder has previously submitted a statement of coal holdings in the above form, a reference to the date of submission and to the serial number of the record in which it is filed, together with a statement of any and all changes in holdings since the date of the previous submission, shall be accepted.

(d) The authorized officer shall not issue a lease until 30 days after the Attorney General receives the notice and statement of the successful bidder's coal holdings, or the Attorney General notifies the authorized officer that lease issuance would not create or maintain a situation inconsistent with the antitrust laws, whichever comes first. The Attorney General shall inform the successful bidders and simultaneously, the authorized officer, if the successful bidder's statement of coal holdings is incomplete or inadequate, and shall specify what information is required for the Attorney General to complete his review. The 30 day period shall stop running on the date of such notification and not resume running until the Attorney General receives the supplemental information.

(e) The authorized officer shall not issue the lease to the successful bidder, if, during the 30 day period, the Attorney General notifies the authorized officer that the lease issuance would create or maintain a situation inconsistent with antitrust law, except after complying with paragraph (f)(2) of this section.

(f) If the Attorney General notifies the authorized officer that a lease should not be issued, the authorized officer may:

(1) Reject all bids or many notify the Attorney General in accordance with paragraph (b) of this section that issuance of the proposed lease to the next qualified high bidder is under consideration; or

(2) Issue the lease if, after a public hearing is conducted on the record in accordance with the Administrative Procedure Act, the authorized officer determines that:

(i) Issuance of the lease is necessary to carry out the purposes of the Federal Coal Leasing Amendments Act of 1976;

(ii) Issuance of the lease is consistent with the public interest; and

(iii) There are no reasonable alternatives to the issuance of the lease consistent with the Federal Coal Leasing Amendments Act of 1976, the anti-trust laws, and the public interest.

(g) If the Attorney General does not reply in writing to the notification in paragraph (b) of this section within 30 days, the authorized officer may issue a lease without waiting for the advice of the Attorney General.

(h) Information submitted to the authorized officer to comply with this section shall be treated as confidential and proprietary data if marked "confidential" by the reporting company. Such information should be submitted to the authorized officer in a sealed envelope and transmitted in that form to the Attorney General.

§ 3422.4 Award of lease.

(a) After the authorized officer has accepted a high qualified bid, and the Attorney General has not objected to lease issuance or the procedures in § 3422.3–4(f)(2) of this title have been completed, the authorized officer shall send four copies of the lease form to the successful bidder. These forms shall be completed, signed, and returned within 30 days of receipt. In addition, the successful bidder shall, within the 30-day period: pay the balance of the bonus bid, if required; pay the first year's rental; pay the cost of publishing the notice of sale; and file a lease bond as required by Subpart 3474 of this chapter. Upon receipt of the above, the authorized officer shall execute the lease.

(b) If the successful bidder dies before the lease is issued, the provisions found in § 3472.2–4 of this title shall apply.

(c) At least half of the acreage offered for competitive lease in any 1 year shall be offered on a deferred bonus payment basis. In a deferred bonus payment, the lessee shall pay the bonus payment in 5 equal installments; the first installment shall be submitted with the bid. The balance shall be paid in equal annual installments due and payable on the next four anniversary dates of the lease. If a lease is relinquished or otherwise cancelled or terminated, the unpaid remainder of the bid shall be immediately payable to the United States.

(d) If the successful bidder fails to comply with the requirements of subsection (a) of this section, the deposit on the successful bid shall be forfeited to the United States.

Subpart 3425—Leasing on Application

§ 3425.0–2 Objective.

The objective of this subpart is to provide an application process through which the Department may consider holding lease sales apart from the competitive leasing process set out in §§ 3420.4 through 3420.7 of this title, where an emergency need for unleased coal deposits is demonstrated, or in areas outside coal production regions or outside eastern activity planning areas.

§ 3425.0–6 Policy.

Leasing proposals developed by this application process differ from those that originate through the activity planning process only with respect to the method of tract delineation and the manner in which the planning and environmental analysis will be completed.

§ 3425.1 Application for lease.

§ 3425.1-1 Where filed.

Application for a lease covering lands subject to leasing (43 CFR 3400.2) shall be filed in the Bureau of Land Management State Office having jurisdiction over the lands or minerals involved (43 CFR Subpart 1821).

§ 3425.1-2 Contents of application.

No specific form of application is required. Three copies of the application, including preliminary and other data required by this subpart shall be filed. The lands applied for shall be described in accordance with § 3471 of this title. The application must be accompanied by the filing fee (43 CFR 3473.2).

§ 3425.1-3 Qualifications of the applicant.

Any applicant for a lease shall meet the qualifications required of a lessee as specified in subpart 3472 of this title.

§ 3425.1-4 Emergency leasing.

(a) An emergency lease sale may be held in response to an application under this Subpart if the applicant shows:

(1) That the application involves an existing mining operation that has been producing coal for at least two years before the date of application, and either: (i) the Federal coal is needed within three years to maintain an existing mining operation at the current average annual level of production, or new contracted level of production to supply coal for contracts signed prior to the effective date of these regulations, as substantiated by a complete copy of the supply or delivery contract, or both; or (ii) if the coal deposits are not leased they shall be bypassed in the reasonably foreseeable future, and if leased, some portion of the tract applied for shall be used within three years, as substantiated by the proposed production levels stated in a mining sequence plan submitted as part of the application for lease; and

(2) That the need for the coal deposits shall have resulted from circumstances that were beyond the control of the applicant or that he could not have reasonably foreseen and planned for in time to allow for consideration of leasing the tract under the provisions of § 3420.4 of this title.

(b) The extent of any lease issued under this section shall not exceed 8 years of recoverable reserves at the rate of production under which the applicant qualifies in subsection (a)(1) of this section.

(c) No lease shall be issued under this section if:

(1) the applicant holds an existing lease issued under this section;

(2) such an existing lease and the application are related to the same mining operation; and

(3) the number of years of reserves (at the calculated rate of production) leased in accordance with subsection (b) of this section is greater than the number of years that have passed since the issuance of such an existing lease.

§ 3425.1-5 Leasing outside coal production regions.

A lease sale may be held in response to an application under this subpart if the application covers coal deposits which are:

(a) Outside a coal production region identified under § 3420.3-1(a)(1) of this title; or

(b) Within any part of an eastern coal production region designated to be subject to this subpart under § 3420.3-1(a)(2) of this title.

§ 3425.1-6 Hardship leases.

The Secretary may issue a lease under this subpart based on any application listed by serial number in the modified court order in *NRDC* v. *Hughes*, 454 F. Supp. 148 (D.D.C. 1978).

§ 3425.1-7 Preliminary data.

(a) Any application for a lease shall contain preliminary data to assist the authorized officer in conducting an environmental analysis as described in § 3425.3 of this title.

(b) Such preliminary data shall include:

(1) A map, or maps, (which may be available from state or Federal sources) showing the topography, physical features and natural drainage patterns, existing roads, vehicular trails, and utility systems; the location of any proposed exploration operations, including seismic lines and drill holes; to the extent known, the location of any proposed mining operations and facilities, trenches, access roads or trails, and supporting facilities including the approximate location and extent of the areas to be used for pits, overburden, and tailings; and the location of water sources or other resources that may be used in the proposed operations and facilities.

(2) A narrative statement, including:

(i) The anticipated scope, method, and schedule of exploration operations, including the types of exploration equipment to be used;

(ii) The method of mining anticipated, including the best estimate of the mining sequence and production rate to be followed;

(iii) The relationship between the mining operations anticipated on the lands applied for and existing or planned mining operations, or support facilities on adjacent Federal or non-Federal lands;

(iv) A brief description, including maps or aerial photographs, as appropriate, of: the existing land use or uses within and adjacent to the lands applied for; known geologic, visual, cultural, paleontological or archaeological features; wetlands and floodplains; and known habitat of fish and wildlife—particularly threatened and endangered species—any of which may be affected by the proposed or anticipated exploration or mining operations and related facilities;

(v) A brief description of the proposed measures to be taken to control or prevent fire and to mitigate or prevent soil erosion, pollution of surface and ground water, damage to fish and wildlife or other natural resources, air and noise pollution, adverse impacts to the social and infrastructure systems of local communities, and hazards to public health and safety; reclaim the surface; and meet other applicable laws and regulations. The applicant may submit other pertinent information that the applicant wishes to have considered by the authorized officer;

(vi) A statement which describes the intended use of the coal covered by the emergency application; and

(vii) Any other information which will show that the application meets the requirements of this subpart.

(c) The applicant may engage in casual use of the land in the application, but shall not undertake any exploration without prior authorization by exploration license, or undertake any mining operations until lease issuance.

(d) The authorized officer, after reviewing the preliminary data contained in an application, and at any time during an environmental assessment may request additional information from the applicant. Where the surface of the land is held by a qualified surface owner (Section 3400.0-5) and the mining method to be used is other than underground mining techniques, the authorized officer shall obtain documents necessary to show ownership of the surface. The applicant shall submit evidence of written consent from any qualified surface owner(s). (See 43 CFR Subpart 3427).

§ 3425.1-8 Rejection of applications.

(a) An application for a lease shall be rejected in total or in part when the authorized officer determines that: (1) the application is not consistent with the

applicable regulations; (2) issuance of the lease would violate the integrity of the normal leasing process; or (3) leasing of the lands covered by the application, for environmental or other sufficient reasons, would be contrary to the public interest.

(b) Any application subject to rejection under subsection (a) of this section shall not be rejected until the applicant is given written notice of the opportunity to provide requested missing information and fails to do so within the time specified in the decision issued for that purpose.

§ 3425.2 Land use plans.

No lease shall be issued under this subpart unless the lands have been included in a comprehensive land use plan or a land use analysis, as required in § 3420.1–5 of this title. The decision to hold a lease sale shall be consistent with the appropriate comprehensive land use plan or land use analysis.

§ 3425.3 Environmental analysis.

(a) Before a lease sale may be held under this subpart the authorized officer shall prepare an environmental assessment of the proposed lease area.

(1) The environmental assessment shall include:

(i) An evaluation of direct and indirect potential impacts including cumulative impacts of coal leasing and development upon the physical and socio-economic environment of the proposed lease area and adjacent areas that may be affected;

(ii) An evaluation of the technical and natural potential for successful reclamation on the proposed lease area; and

(iii) An evaluation of all reasonable alternatives to leasing the area or to any known plans of operation for the proposed area.

(2) The environmental assessment shall contain recommendations and special stipulations regarding:

(i) Lands that should be excluded from the proposed areas to avoid unacceptable environmental or special impacts, including those lands to be excluded as identified through the application of the unsuitability criteria in subpart 3461 of this title.

(ii) Any specific measures required to avoid or mitigate adverse impacts to, or to reclaim areas that may be acceptable for further consideration for leasing including measures to assure appropriate post-mining land use and measures to prevent irreparable damage or destruction of unique environmental values that are identified either through the application of the unsuitability criteria in subpart 3461 of this title or in the comprehensive land use plan or land use analysis.

(3) If, based upon the environmental assessment prepared under paragraph (2) of this section the authorized officer determines that an environmental impact statement is required under the National Environmental Policy Act of 1969, either a statement shall be prepared in accordance with the provisions of 40 CFR 1500, or the authorized officer may determine that, because of critical environmental considerations or limitations, including reclamation potential, the application shall be rejected pursuant to § 3425.1–8 of this title.

(4) If, based upon the environmental assessment prepared under (2), the authorized officer determines that an environmental impact statement is not required under the National Environmental Policy Act of 1969, a finding of no significant impact shall be prepared and issued in accordance with 40 CFR 1501.4 and 1506.6.

(b) For lease applications involving lands in the National Forest System, the authorized officer shall submit the lease application to the Secretary of Agriculture for consent, for completion or consideration of an environmental assessment and for the attachment of appropriate lease stipulations, and for the making of any other findings prerequisite to lease issuance. (43 CFR 3400.3, 3461.1(a)).

§ 3425.4 Consultation and sale procedures.

(a)(1) Prior to holding any lease sale in response to any application under this subpart, a public hearing or hearings shall be held on the proposed sale to allow public comment on and discussion of the potential effects of mining the proposed lease, including impacts on the environment, agriculture and other economic activities and community or regional services. The hearing on an environmental impact statement prepared under § 3425.3 of this title, if one is prepared, may satisfy the hearing requirement.

(2) Prior to holding any lease sale under this subpart, the Secretary shall consult with the entities and individuals listed in § 3420.5–2 through 3420.5–5 of this title.

(3) No notice of sale shall be published in response to an application under this subpart for any lands subject to § 3427.1 of this title unless and until the authorized officer has received written consent from the qualified surface owner(s).

(b)(1) Subpart 3422 of this title applies in full to any sale to be held in response to an application filed under subpart 3425 of this title.

(2) In addition to the requirements set forth in § 3422.2 of this title, in any sale authorized under § 3425.1–4 of this title, the successful bidder shall meet the criteria in § 3425.1–4 of this title.

§ 3425.5 Lease terms.

The terms of a lease issued under this subpart shall be consistent with the terms established for all competitive coal leases (43 CFR 3470).

Subpart 3427—Split Estate Leasing

§ 3427.0–1 Purpose.

The purpose of this subpart is to set out the protection that shall be afforded qualified surface owners of split estate lands (43 CFR 3400.0–5).

§ 3427.0–3 Authority.

(a) These regulations are issued under the authority of the statutes cited in § 3400.0–3 of this title.

(b) These regulations primarily implement section 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1304), as construed in Solicitor's Opinion M–36909, 86 I.D. 28 (1979).

§ 3427.0–7 Scope.

The surface owner consent provisions of the Surface Mining Control and Reclamation Act do not apply:

(a) to preference right lease applications; and

(b) if the split estate coal is to be mined by underground mining techniques. (43 CFR 3500.0–5.)

§ 3427.1 Deposits subject to consent.

On split estate lands (43 CFR 3400.0–5) where the surface is owned by a qualified surface owner, coal deposits that will be mined by methods other than underground mining techniques shall not be included in a lease sale notice without written consent from the qualified surface owner (43 CFR 3400.0–5) allowing the lessee/operator to enter and commence surface mining operations.

§ 3427.2 Procedures.

(a)(1) Each written consent, or evidence of written consent shall be filed with the appropriate Bureau of Land Management State Office (43 CFR Subpart 1821) at least 30 working days prior to the publication of the lease sale notice of the lands to which it applies. It shall be the responsibility of parties intending to file consents to be aware of pending coal lease sale notice dates. Generally, these dates shall be as

published in the final regional sale schedule (43 CFR 3420.7).

(2) Statement of refusal to consent shall be filed with the appropriate Bureau of Land Management State Office, but such statement shall be accepted for filing only during activity planning.

(b) Written consent, evidence of written consent, or statement of refusal to consent may be filed by any private person or persons with a potential interest in the lease sale of split estate lands.

(c) Such filing shall, at a minimum, contain the present legal address of the qualified surface owner, and the name, ownership, interest, if any, and legal address of the party making the filing, and if it is a written consent or evidence thereof, a copy of the written consent or evidence thereof.

(d) At each stage in the tract delineation, ranking and scheduling in that region, split estate lands that would be mined by other than underground mining techniques, covered by written consents that are filed with the appropriate State Office before the final decision on the pending regional lease sale schedule, shall be given priority over such split estate lands where there is no written consent from the qualified surface owner.

(e) Within 15 working days after the filing of a written consent, evidence thereof, or a statement of refusal to consent, the State Office shall verify that the written consent or evidence of such consent meets all of the following requirements, and that the statement of refusal to consent meets the requirements of paragraphs (2) and (3):

(1) The right to enter and commence mining is transferable to whoever makes the successful bid in a lease sale for a tract which includes the lands to which the consent applies. A written consent shall be considered transferable only if, at a minimum, it allows that after the lease sale for the tract to which the consent applies (i) the payment for the consent may be made by the successful bidder or (ii) the successful bidder may reimburse the party that first obtained the consent for the purchase price of the consent;

(2) The named surface owner is a qualified surface owner as defined in § 3400.0–5 of this title; and

(3) The title for all split estate lands described in the filing is held by the named qualified surface owners.

(f) Upon receipt of a filing from anyone other than the named qualified surface owner, the authorized officer shall contact the named qualified surface owner and request his confirmation in writing that the filed, transferable, written consent or evidence thereof to enter and commence mining has been granted, and that the filing fully discloses all of the terms of the written consent, or that the refusal to consent is accurate.

(g) The conditions of (e) and (f) shall be met prior to publication of the sale notice.

(h) The State Director shall in all cases notify the person or persons filing the written consent, evidence of written consent, or statement of refusal to consent of the results of the review of the filing, including any request for additional information needed to satisfy the requirements of this subpart in cases where insufficient information was supplied with the original filing.

(i) The purchase price of any applicable written consent from a qualified surface owner shall be included with the description of the tract(s) in the notice of lease sale, and the other terms of the consent shall be included in the detailed statement on the tract sale.

(j) Any statement of refusal to consent shall be treated as controlling until the land use plan that includes the area covered by the refusal to consent is revised or the surface estate is sold. When revision of the land use plan is initiated, the qualified surface owner shall be notified that his prior statement of refusal has expired, and shall be given the opportunity to submit another statement.

§ 3427.3 Validation of information.

Any person submitting a written consent shall include with his filing a statement that the evidence submitted, to the best of his knowledge, represents a true, accurate, and complete statement of information regarding the consent for the area described.

§ 3427.4 Pre-existing consents.

An otherwise valid written consent given by a qualified surface owner prior to August 4, 1977, shall be considered valid for the purposes of this subpart.

PART 3430—NONCOMPETITIVE LEASES

Subpart 3430—Preference Right Leases

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seq.; 42 U.S.C. 7101 et seq. and 43 U.S.C. 1701 et seq.

Subpart 3430—Preference Right Leases

§ 3430.0–1 Purpose.

These regulations set forth procedures for processing noncompetitive (preference right) coal lease applications on Federal lands.

§ 3430.0–3 Authority.

(a) These regulations are issued under the authority of the statutes cited in § 3400.0–3 of this title.

(b) These regulations primarily implement section 2(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 201(b)).

(c) These regulations also implement Solicitor's Opinion M–36893, 84 I.D. 442 (1977).

§ 3430.0–7 Scope.

Because section 4 of the Federal Coal Leasing Amendments Act of 1976, amending 30 U.S.C. 201(b), repealed the Secretary's authority to issue or extend a coal prospecting permit on Federal lands, the regulations in this subpart apply only to lease applications which have already been filed. No additional prospecting permits that confer a preference right to a coal lease shall be issued. Therefore, these regulations address only the procedures for processing pending preference right lease applications. The surface owner consent provisions of section 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1304), do not apply to preference right lease applications.

§ 3430.1 Preference right leases.

§ 3430.1–1 Showing required for entitlement to a lease.

An applicant for a preference right lease shall be entitled to a noncompetitive coal lease if the applicant can demonstrate that he discovered commercial quantities of coal on the prospecting permit lands within the term of the prospecting permit, all other requirements having been met.

§ 3430.1–2 Commercial quantities defined.

For the purpose of § 3430.1–1 of this title, commercial quantities is defined as follows:

(a) The coal deposit discovered under the prospecting permit shall be of such character and quantity that a prudent person would be justified in further expenditure of his labor and means with a reasonable prospect of success in developing a valuable mine.

(b) The applicant shall present sufficient evidence to show that there is a reasonable expectation that revenues from the sale of the coal shall exceed the cost of developing the mine and extracting, removing, transporting, and marketing the coal. The costs of development shall include the estimated cost of exercising environmental protection measures and suitably reclaiming the lands and complying with all applicable Federal and state laws and regulations.

§ 3430.2 Application for lease.

§ 3430.2–1 Initial showing.

All preference right coal lease applications shall have contained or shall have been supplemented by the timely submission of the following information:

(a) The measured and indicated quantity and quality of the reserves discovered within the boundaries of the prospecting permit.

(1) Coal quantity shall be indicated by structural maps of the tops of all beds to be mined, isopachous maps of beds to be mined and interburden; and, for beds to be mined by surface mining methods, isopachous maps of the overburden. These maps shall show the location of test holes and outcrops. An estimate of the measured and indicated reserves for each bed to be mined shall be included.

(2) Coal quality data shall include, at a minimum, an average proximate analysis, sulfur content, and BTU content of the coal in each bed to be mined. Also, all supporting geological and geophysical data used to develop the required information shall be submitted.

(b) Topographic maps as available from state or Federal sources showing physical features, drainage patterns, roads and vehicle trails, utility systems, and water sources. The location of proposed development and mining operations facilities shall be identified on the maps. These maps shall include the approximate locations and extent of tailings and overburden storage areas; location and size of pit areas; and the location of water sources or other resources that may be used in the proposed operation and facilities incidental to that use.

(c) A narrative statement that includes:

(1) The anticipated scope of operations, the schedule of operations, and the types of equipment to be used;

(2) The mining method to be used and an estimate of the expected mining sequence and production rate;

(3) The relationship, if any, between operations planned on the land applied for and existing or planned operations and facilities on adjacent lands;

(4) A brief description, including maps or aerial photographs as appropriate of: (i) existing land uses on and adjacent to the applied for land; (ii) known geologic, visual, cultural, or archaeological features on the applied-for land; and (iii) known wildlife habitat, and that of threatened or endangered plant and animal species, that may be affected by the planned exploration and mining operations;

(5) A brief description of measures planned to prevent or control fire and to mitigate or prevent soil erosion, ground and surface water pollution, damage to wildlife or its habitat, air and noise pollution, hazards to public health and safety, and impacts to the social and infrastructure systems of local communities; and

(6) A brief description of any plans that the applicant wishes to have considered by the authorized officer which show how the applicant expects to reclaim disturbed sites and otherwise meet applicable laws and regulations.

§ 3430.2–2 Additional information to comply with statutory and regulatory requirements.

In addition to the information required by § 3430.2–1 of this title, the applicant shall have submitted within the time specified by the authorized officer:

(a) certified abstracts indicating the presence of any mining claims lying within or partly within the preference right lease application area that were located prior to the issuance of the prospecting permit, or a certified abstractor's certificate indicating the absence of any mining claims located prior to that time; or

(b) any other information needed to show compliance with statutory or regulatory requirements.

§ 3430.2–3 Additional time.

(a) If the applicant has timely submitted some, but not all, of the information required by §§ 3430.2–1 and 3420.2–2 of this title, the authorized officer shall request additional information and shall specify the information required.

(b) The applicant shall submit any requested information within 60 days of the date of the request. The authorized officer may grant one 60-day extension if the applicant files a written request for an extension within the first 60-day period.

§ 3430.3 Planning and environment.

§ 3430.3-1 Land use planning.

(a) As a matter of policy, the Department shall complete the processing of all preference right lease applications by December 1, 1984.

(b) Preference right lease applications shall be processed in the cycle of on-going comprehensive land use plans unless the authorized officer determines that the processing of the application, in the cycle of on-going comprehensive land use plans, will not be completed by December 1, 1984.

(c)(1) Each applicant may file a request with the authorized officer:

(i) for an estimate of when the application shall be processed in the cycle of on-going comprehensive land use plans; and

(ii) to have the applicant's application processed in advance of the period specified in the authorized officer's estimate.

(2) The request shall include a statement of how the applicant will benefit from having the application processed more quickly than otherwise scheduled, and shall specify how the pendency of the application affects the applicant's production, marketing or use of coal before 1986.

(3) If the authorized officer concludes that the failure to process an application apart from the cycle of on-going comprehensive land use plans would cause the applicant substantial hardship, the authorized officer may process the application apart from the cycle of on-going comprehensive land use plans. If the authorized officer has multiple applications which he or she finds involve substantial hardship, the authorized officer, in determining which applications to process first, shall consider the applicant's need for coal, the length of time the application has been pending, the regional need for coal and the promptness with which the applicant has responded to requests for information from the Department.

§ 3430.3-2 Environmental analysis.

(a) After the applicant has completed the initial showing required under § 3430.2 of this title, the authorized officer shall conduct an environmental analysis of the proposed preference right lease area and prepare an environmental assessment or environmental impact statement on the application.

(b) The environmental assessment or environmental impact statement shall include:

(1) An evaluation of direct and indirect potential impacts including cumulative impacts of leasing and development upon the physical and socioeconomic environment of the proposed lease area and adjacent areas that may be affected;

(2) An evaluation of the technical and natural potential for successful reclamation on the proposed lease area; and

(3) An evaluation of all reasonable alternatives to leasing the area, including the possibilities of exchange or purchase, or to any known plans of operation for the proposed area as set forth in any preliminary data and information.

(c) The environmental assessment or environmental impact statement record shall be prepared containing recommendations on lease terms and special stipulations regarding:

(1) Lands that should be leased with conditions or protective stipulations or other action to prevent unacceptable environmental or social impacts, including stipulations or other actions to protect those lands identified through the application of the unsuitability criteria of subpart 3461 of this title;

(2) Any specific measures required to avoid or to mitigate adverse impacts, or to reclaim areas that may be acceptable for leasing and development, including measures to assure appropriate postmining land use.

(d) If, based upon an environmental assessment prepared under (c), the authorized officer determines that an environmental impact statement is required under the National Environmental Policy Act of 1969, such a statement shall be prepared according to 40 CFR Group 1500.

(e) If, based upon an environmental assessment prepared under (c), the authorized officer determines that an environmental impact statement is not required, a finding of no significant impact shall be prepared and issued in accordance with 40 CFR 1501.4 and 1506.6.

§ 3430.4 Final showing.

§ 3430.4-1 Request for final showing.

(a) Upon completion of the environmental assessment or impact statement on the application, the authorized officer shall promptly request a final showing by the applicant.

(b) The authorized officer shall transmit to the applicant, with the request for a final showing, the following:

(1) The proposed lease form, including any proposed stipulations; and

(2) A copy of the environmental assessment or impact statement on the application including a map or maps showing all areas subject to specific conditions or protective stipulations because they have been assessed or designated to be unsuitable for all or certain stipulated methods of coal mining, or because of other identified values that are not embodied in the unsuitability criteria in subpart 3461 of this title.

(c) Within 90 days of receiving the proposed lease form, the applicant shall submit the following information:

(1) Estimated revenues;

(2) The estimated costs that a prudent person would consider before deciding to operate the proposed mine, including but not limited to, the cost of developing the mine, removing the coal, processing the coal to make it salable, transporting the coal, paying applicable royalties and taxes, and complying with applicable laws and regulations, the proposed lease terms, and special stipulations; and

(3) A comparison of the estimated costs and revenues of any mining venture constituting the logical mining unit of which the lease would become a part.

(d) The information submitted by the applicant shall be sufficiently detailed to determine whether the applicant's showing (1) has a reasonable factual basis, (2) supports the applicant's assertion that the proposed lease contains commercial quantities of coal, and (3) reflects a consideration of all factors required by this section.

(e) The applicant may delete any area subject to special conditions or protective stipulations, because it has been assessed to be unsuitable or otherwise, and the costs of mining subject to the conditions or protective stipulations, from the final showing required by paragraph (c) of this section.

§ 3430.4-2 Additional information.

(a) If the applicant for a preference right lease has submitted timely, some, but not all of the information required in § 3430.4-1 of this title, the authorized officer shall request additional information and shall specify the information required.

(b) The applicant shall submit any requested additional information within 60 days of the receipt of the request. The authorized officer may grant one 60-day extension if the applicant files a written request within the first 60-day period.

§ 3430.5 Determination of entitlement to lease.

§ 3430.5-1 Rejection of application.

(a) The authorized officer shall reject the application if:

(1) The applicant fails to show that coal exists in commercial quantities on the applied for lands; or

(2) The applicant does not respond to a request for additional information within the time period specified in §§ 3430.2–3 or 3430.4–2 of this title; or

(3) The applicant otherwise failed to meet mandatory statutory or regulatory requirements, including those relating to acreage limitations, qualifications to hold leases, timely payment of rent or procedural requirements.

(b)(1) The authorized officer shall reject those portions of an otherwise acceptable application which were not available for prospecting when the underlying prospecting permit was issued because the lands were claimed, developed or withdrawn from coal leasing.

(2) In any action under this subsection, the authorized officer shall reject all lands in each affected smallest legal subdivision or, if practicable, each affected 10 acre aliquot part of the subdivision.

§ 3430.5–2 Appeals, lack of showing.

(a) If the application is rejected because the existence of commercial quantities of coal has not been shown, the applicant may, in accordance with the procedures in Part 4 of this title, file a notice of appeal and a statement of the reasons for the appeal.

(b) The applicant shall have the right to a hearing before an Administrative Law Judge if the applicant alleges that the facts in the application are sufficient to show entitlement to a lease.

(c) In such a hearing, the applicant shall bear both the burden of going forward and the burden of proof to show, by a preponderance of evidence, that commercial quantities of coal exist in the proposed lease area.

§ 3430.5–3 Determination to lease or seek an exchange.

(a) A preference right lease shall be issued if, upon review of the application, any available land use plan, and environmental assessment, the authorized officer determines that:

(1) coal has been discovered in commercial quantities on the lands applied for; and

(2) the applicant has used reasonable economic assumptions and data to support the showing that coal has been found on the proposed lease in commercial quantities; and

(3) the conditions or protective lease stipulations assure that environmental damage can be avoided or acceptably mitigated.

(b) The authorized officer may recommend that the Secretary initiate exchange proceedings under § 3430.5–4 of this title, if he determines that:

(1) The land under application has been shown to contain commercial quantities of coal;

(2) All or a portion of the proposed lease has been assessed as land that should be unavailable for coal development because of land use or resource conflicts or as land that is unsuitable for coal mining under the provisions of subpart 3461 of this title; and

(3) The land is exempted from the application of any relevant unsuitability criteria or, for similar reasons, the Secretary lacks the authority to prevent damage to or loss of the land use of resource values threatened by lease operations.

§ 3430.5–4 Lease exchange.

The Secretary may initiate, upon his own initiative, the recommendation of the authorized officer, or the request of the applicant, lease exchange procedures under 43 CFR Subpart 3435 for the issuance of coal lease bidding rights, modifications to existing coal leases, a mineral lease under subpart 3526 of this title, or in the case of an application including lands in an alluvial valley floor, the issuance of a coal lease under provisions of subpart 3436 of this title, if he finds that the three conditions in § 3430.5–3(b) of this title are met.

§ 3430.6 Lease issuance.

§ 3430.6–1 Lease terms.

Each preference right lease shall be subject to the terms provided for Federal coal leases established in part 3470 of this title including: royalty and rental rates and the diligent development, continued operation and logical mining unit requirements in § 3475.4 of this title.

§ 3430.6–2 Bonding.

The lease bond for a preference right lease shall be set in accordance with subpart 3474 of this title.

§ 3430.6–3 Lease area.

A preference right lease shall include all lands in the application used in deterimining the entitlement to a lease.

§ 3430.6–4 Duration of leases.

Preference right leases shall be issued for a term of 20 years and for so long thereafter as coal is produced in commercial quantities as defined in subpart 3400.0–5 of this title. Each lease shall be subject to readjustment at the end of the first 20-year period and at the end of each period of 10 years thereafter in accordance with subpart 3451 of this title.

§ 3430.7 Trespass.

Mining operations conducted prior to the effective date of a lease shall constitute an act of trespass and be subject to penalties specified by § 9239.5 of this title.

Subpart 3431—Negotiated Sales—Rights-of-Way

§ 3431.0–1 Purpose.

The purpose of this subpart is to provide procedures for the sale of coal that is necessarily removed in the exercise of a right-of-way issued under Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.).

§ 3431.0–3 Authority.

(a) The regulations of this subpart are issued under the authority of the statutes cited in § 3400.0–3 of this title.

(b) These regulations primarily implement section 2(a)(1) of the Mineral Leasing Act of 1920, as amended by section 2 of the Act of October 30, 1978 (30 U.S.C. 201(a)(1)).

§ 3431.1 Qualified purchaser.

Any person who has acquired or applied for a right-of-way under Title V of the Federal Land Policy and Management Act of 1976 which requires the removal of coal deposits as a necessary incident to development, construction or use of the right-of-way is qualified to purchase the coal to be removed.

§ 3431.2 Terms and conditions of sale.

(a) Coal to be removed in connection with a right-of-way shall be sold to the qualified purchaser only at the estimated fair market value, as determined by the Secretary.

(b) Where the right-of-way is being used in connection with the development of a lease, the removal of coal from the right-of-way shall be subject to the same requirements for health and safety protection, surface protection and rehabilitation that apply to the lease involved, and provisions for adequate recovery and conservation of the coal deposit.

(c) Where the right-of-way is not being used in the develoment of a Federal coal lease, the removal of the coal shall be made subject to the surface Mining Control and Reclamation Act of 1977, and subject to such terms and conditions as the authorized officer determines are necessary: (1) to protect public health, safety, and the

environment; and (2) to ensure adequate recovery and conservation of the coal deposits in the right-of-way.

(d) All terms and conditions of the sale shall be terms and conditions of the right-of-way and shall be administered under the provisions of group 2800 of this title.

Subpart 3432—Lease Modifications

§ 3432.0-3 Authority.

(a) The regulations of this subpart are issued under the authority of the statutes cited in § 3400.0-3 of this title.

(b) These regulations primarily implement section 3 of the Mineral Leasing Act of 1920, as amended by section 13 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 203).

§ 3432.1 Application.

(a) A lessee may apply for a modification of a lease to include coal lands or coal deposits contiguous to those embraced in a lease. In no event shall the acreage in the application, when combined with the total area added by all modifications made after August 4, 1976, exceed 160 acres or the number of acres in the original lease, whichever is less.

(b) The lessee shall file the application for modification in the Bureau of Land Management State Office having jurisdiction over the lands involved (43 CFR Subpart 1821), describing the additional lands desired, the lessee's needs or reasons for such modification, and the reasons why the modification would be to the advantage to the United States.

§ 3432.2 Availability.

(a) The authorized officer may modify the lease to include all or part of the lands applied for if he determines that: (1) the modification serves the interests of the United States; (2) there is no competitive interest in the lands or deposits; and (3) the additional lands or deposits cannot be developed as part of another potential or existing independent operation.

(b) Coal deposits underlying land the surface of which is held by a qualified surface owner, and which would be mined by other than underground mining techniques, may not be added to a lease by modification.

(c) The lands applied for shall be added to the existing lease without competitive bidding, but the United States shall receive the fair market value of the lease of the added lands, either by cash payment or adjustment of the royalty applicable to the lands added to the lease by the modification.

§ 3432.3 Terms and conditions.

(a) The terms and conditions of the original lease shall be made consistent with the laws, regulations, and lease terms applicable at the time of modification except that if the original lease was issued prior to August 4, 1976, the minimum royalty provisions of section 6 of the Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 207; 43 CFR 3473.3-2) shall not apply to any lands covered by the lease prior to its modification until the lease is readjusted.

(b) Before a lease is modified, the lessee shall file a written acceptance of the conditions imposed in the modified lease and a written consent of the surety under the bond covering the original lease to the modification of the lease and to extension of the bond to cover the additional land.

(c) A lease modification shall not be made until the authorized officer has complied with the procedures and standards set out in § 3425.3 of this title.

Subpart 3435—Lease Exchange

§ 3435.0-1 Purpose.

The objective of these regulations is to provide methods for exchange of coal resources when it would be in the public interest to shift the impact of mineral operations from leased lands to currently unleased lands to preserve public resource or social values, and to carry out Congressional directives authorizing coal lease exchanges.

§ 3435.0-3 Authority.

(a) These regulations are issued under the authority of the statutes cited in § 3400.0-3 of this title.

(b) These regulations primarily implement:

(1) Section 3 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 203);

(2) Section 510(b)(5) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1260(b)(5); and

(3) Section 1 of the Act of October 30, 1978 (92 Stat. 2073).

§ 3435.1 Coal lease exchanges.

Where the Secretary determines that coal exploration, development and mining operations would not be in the public interest on an existing lease or preference right lease application, or where the Congress has authorized lease exchange for a class or list of leases, an existing lease or preference right lease application may be relinquished in exchange for:

(a) Leases where the Congress has specifically authorized the issuance of a new coal lease;

(b) The issuance of coal lease bidding rights of equal value;

(c) A mineral lease other than coal, by mutual agreement between the applicant and the Secretary under subpart 3526 of this title; or

(d) Federal coal lease modifications; or

(e) Any combination of the above.

These interests may be granted to the extent of the Secretary's authority in exchange for the relinquishment of all or part of the existing lease or preference right lease application, any part of which has been or may be assessed to be unacceptable for development because of non-coal public values identified or discovered after the lease or prospecting permit was issued.

§ 3435.2 Qualified exchange proponents—Limitations.

(a) Any person who holds a Federal coal lease, or a preference right lease application that has been found to meet the commercial quantities requirements of §§ 3430.1 and 3430.5 of this title on lands described in § 3435.1 of this title is qualified to ask the Secretary to initiate an exchange.

(b) Except for leases qualified under subpart 3536 of this title, the Secretary may issue a new coal lease in exchange for the relinquishment of outstanding leases or lease applications only in those cases listed in section 1 of the Act of October 30, 1978.

(c) The Secretary shall evaluate each qualified exchange request and determine whether an exchange is appropriate.

(d) Any modification of a coal lease in an exchange under this subpart shall be subject to the limitations in §§ 3432.1(a) and 3432.2(b) of this title.

§ 3435.3 Exchange procedures.

§ 3435.3-1 Exchange notice.

(a) The Secretary shall initiate exchange procedures by notifying in writing a Federal coal lessee or preference right lease applicant that consideration of an exchange of mineral leases or other coal lease interests is appropriate. The notification may be on the Secretary's initiative or in response to a request under § 3435.2 of this title.

(b) The exchange notice shall include a statement of why the Secretary believes an exchange may be in the public interest.

(c) The notice may contain a description of the lands on which the Secretary would grant a lease or lease interest in exchange. If the exchange is for coal development rights, the lands shall be selected from those found

acceptable for further consideration for leasing under § 3420.2 of this title. The description of the interests under consideration for relinquishment may include all or part of an existing lease or preference right lease application.

(d) The notice shall contain a request that the lessee or preference right lease applicant indicate whether he is willing to negotiate an exchange.

§ 3435.3–2 Initial response by lessee or lease applicant.

(a) The lessee or preference right lease applicant wishing to negotiate an exchange shall so reply in writing within 60 days of the receipt of the exchange notice. The reply may include a description of the lands on which the lessee or lease applicant would accept an exchange lease or grant of coal lease modifications.

(b) A reply to the exchange notice by a lessee or preference right lease applicant indicating willingness to enter into an exchange shall also indicate willingness to provide the geologic and economic data needed by the Secretary to determine the fair market value of the lease or lease application to be relinquished. The lessee or preference right lease applicant shall also indicate willingness to provide any geologic and economic data in his possession that will help the Secretary to determine the fair market value of the potential Federal lease exchange tract or tracts.

§ 3435.3–3 Agreement to terms.

(a) If both parties wish to proceed with the exchange, the authorized officer and the lessee or preference right lease applicant shall:

(1) Negotiate the selection of appropriate exchange lands containing a logical mining unit of coal in those cases where the Secretary is authorized to issue a coal exchange lease, or a minable unit of leasable minerals other than coal;

(2) Negotiate appropriate coal lease modifications;

(3) Negotiate to establish the value of coal lease bidding rights; or

(4) Negotiate any combination of the above.

(b) Land proposed for lease in exchange for, or for inclusion in, an existing lease or preference right lease application shall be subject to leasing under group 3400 or 3500 of this title as appropriate, and any coal lands shall have been found to be acceptable for further consideration for leasing under § 3420.2–3 of this title.

§ 3435.3–4 Determination of value.

The value of the land to be leased, or added by lease modification, or of the bidding rights to be issued in exchange shall, to the satisfaction of the lessee or lease applicant and the Secretary, be equal to the estimated fair market value of the lease or lease application to be relinquished.

§ 3435.3–5 Notice and public hearing.

(a) After the lessee or lease applicant and the Secretary agree on the land to be leased, the coal lease modifications to be granted or the bidding rights to be issued, notice of the proposed exchange shall be published in the **Federal Register** and in at least one newspaper of general circulation in each county or equivalent political subdivision where both the offered and selected lands are located. The notice shall announce that, upon request, at least one public hearing will be held in a city or cities located near each tract involved. The notice shall also contain the Secretary's preliminary findings why the proposed exchange is in the public interest. The hearing(s), if any, shall be held to obtain public comments on the merits of the proposed exchange.

(b) If the tract to be leased in exchange has been identified at the time of the environmental assessment or environmental impact statement of the exchange, any notice of the availability of a draft statement or public hearing on the assessment or statement may be used to comply with subsection (a) of this section.

§ 3435.3–6 Consultation with Governor.

(a) The Secretary shall notify the Governor of each state in which lands in the proposed exchange are located of the terms of the exchange and the Secretary's preliminary findings why the exchange is in the public interest. The Secretary shall give each Governor at least 45 days after this notification to comment on the proposal prior to consummating the exchange.

(b) If, within the 45 day period, the Governor(s), in writing, objects to an exchange that involves leases or lease rights in more than one state, the Secretary will not consummate the exchange for 6 months from the date of objection. The Governor(s) may during this 6-month period submit a written statement why the exchange should not be consummated, and the Secretary shall, on the basis of this statement, reconsider the lease proposal.

§ 3435.3–7 Consultation with the Attorney General.

In any exchange which, if consummated, shall result in the issuance of a Federal coal lease, the Secretary, after issuing an exchange notice under § 3435.3–1 of this title and before issuance of a written decision under § 3435.4 of this title;

(a) shall require the lessee or lease applicant to submit the information in § 3422.3–4 of this title; and

(b) if the Attorney General, within 30 days, objects to lease issuance, shall not issue the exchange lease except after complying with the provisions of § 3422.3–4(f)(2) of this title.

§ 3435.4 Issuance of lease, lease modification, or bidding rights.

(a) If, after any public hearing(s), the Secretary by written decision concludes that the issuance of a coal or other mineral lease or coal lease modification or coal lease bidding rights in exchange for the relinquishment of the existing lease, preference right lease application or portion thereof is in the public interest, lease, stipulations for operations on the exchange lease or modified lease shall be established.

(b) The exchange documents shall contain:

(1) A statement that the lessee thereby quitclaims all right or interest in the lease or preference right lease application exchanged; and

(2) A statement of the Secretary's findings that lease issuance is in the public interest.

(c) The exchange lease or lease modification shall be issued upon relinquishment of the lease, preference right lease application, or portion thereof.

(d) The exchange lease or lease modification shall be subject to all relevant provisions of group 3400 or 3500 of this chapter, 30 CFR Chapter VII, Subchapter D, and 30 CFR Part 211, as appropriate.

Subpart 3436—Lease Exchange—Alluvial Valley Floors

§ 3436.0–1 Purpose.

The purpose of this subpart is to establish procedures for coal lease exchanges where coal development operations would interrupt, discontinue or preclude farming on alluvial valley floors west of the 100th Meridian, west longitude, or materially damage the quantity or quality of water in surface or underground systems that supply these alluvial valley floors.

§ 3436.0-3 Authority.

(a) These regulations are issued under the authority of the statutes cited in § 3400.0-3 of this title.

(b) These regulations primarily implement section 510(b)(5) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(b)(5)).

§ 3436.1 Qualified exchange proponents.

(a) The coal lease exchange program for designated alluvial valley floors shall be limited to any person who holds a Federal coal lease or preference right lease application on lands west of the 100th Meridian, west longitude, and who has made substantial financial and legal commitments prior to January 4, 1977, in connection with the lease or preference right lease application, and who otherwise meets the criteria in the proviso in section 510(b)(5) of the Surface Mining Control and Reclamation Act of 1977. Any such person may propose an exchange under this subpart.

(b) The lease offered in exchange by the Secretary shall be for lands determined to be acceptable for leasing under criteria of the Geological Survey and acceptable for further consideration for leasing under the criteria in § 3420.2-3 of this title, including the unsuitability criteria in subpart 3461 of this title.

§ 3436.2 Exchange procedures.

(a) The Secretary on his own motion, or upon recommendation of the authorized officer, or upon request by any qualified lessee, may initiate a lease exchange. No special form of application is required.

(b) The exchange shall be processed in accordance with the procedures in subpart 3435 of this title for other lease and lease interest exchanges.

§ 3436.3 Recovery of costs.

The exchange proponent shall bear all administrative costs of the exchange, including the cost of establishing the value of each lease involved in the exchange.

§ 3436.4 Lease issuance.

Any coal lease issued as a result of an exchange under this subpart shall be subject to all relevant provisions of group 3400 of this title, 30 CFR Chapter VII, Subchapter D, and 30 CFR Part 211.

Subpart 3437—Coal Land Exchange—Alluvial Valley Floors

§ 3437.0-1 Purpose

The purpose of this subpart is to establish criteria for the exchange of privately owned (fee) coal for unleased federally-owned coal where coal mining operations would interrupt, discontinue, or preclude farming on alluvial valley floors west of the 100th Meridian, west longitude, or materially damage the quantity and quality of water in surface or underground systems that supply these alluvial valley floors.

§ 3437.0-3 Authority.

(a) These regulations are issued under the authority of the statutes cited in § 3400.0-3 of this title.

(b) These regulations primarily implement:

(1) Section 510(b)(5) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(b)(5)); and

(2) Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

§ 3437.1 Qualification criteria.

§ 3437.1-1 Qualified exchange proponents.

The fee coal exchange program for designated alluvial valley floors shall initially be limited to all qualified persons who (a) own coal west of the 100th Meridian, west longitude, and:

(b)(1) Who have made or whose lesses have made substantial financial and legal commitments prior to January 1, 1977, in connection with the coal holding; or

(2) Who have had or whose lessees have had the regulatory authority not issue a surface mining permit because the holding is in an alluvial valley floor, and who otherwise meet the criteria of the provision in section 510(b)(5). Any such person may provision in section 510(b)(5). Any such person may propose an exchange under this subpart.

§ 3437.1-2 Unqualified proponents.

The Secretary shall not consider an exchange proposed by the owner of coal west of the 100th meridian west longitude otherwise qualified under § 3437.1-1 of this title, where:

(a) The existing land use is undeveloped rangeland which is not significant to farming;

(b) The area of the affected alluvial valley floor is small and provides or may provide only negligible support for production from one or more farms; or

(c) The prohibition against mining the coal in the alluvial valley floor does not substantially decrease the value of, or prevent the successful mining of, other coal that would have been developed in conjunction with the coal in the alluvial valley floor.

§ 3437.2 Exchange procedures.

(a) The Secretary shall evaluate each qualified exchange request and determine whether the exchange proponent is qualified and whether a request is appropriate and is in the public interest.

(b) Qualified requests shall be processed in accordance with the regulations of subpart 2200 of this title subject to the provisions of this subpart.

(c) The coal deposits offered in exchange by the Secretary shall be assessed as acceptable for leasing under the criteria of the Geological Survey, and acceptable for further consideration for leasing under the criteria in § 3420.2-3 of this title, including the unsuitability criteria in subpart 3461 of this title.

(d) Exchange under this subpart, whether proposed by the Secretary or by a qualified exchange proponent, may include the coal estate, the entire mineral estate, or the entire mineral and surface estates in the lands conveyed to the United States or in the lands conveyed by the United States.

PART 3440—LICENSES TO MINE

Subpart 3440—Licenses to Mine

Sec.

3440.0-3 Authority.
3440.1 Terms.
3440.1-1 Forms.
3440.1-2 Qualifications.
3440.1-3 Limitations on coal use.
3440.1-4 Area and duration of license.
3440.1-5 Payments and reports.
3440.1-6 Compliance with Surface Mining Control and Reclamation Act.

Authority: 30 U.S.C. 181 et seq.

Subpart 3440—Licenses to Mine

§ 3440.0-3 Authority.

(a) These regulations are issued under the authority of the statutes cited in § 3400.0-3 of this title.

(b) These regulations primarily implement section 8 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 208).

§ 3440-1. Terms.

§ 3440.1-1 Forms.

(a) Four copies of the application for a license to mine coal for domestic needs or for a renewal of such a license shall be filed on a form approved by the Director, or a substantial equivalent of the form, in the Bureau of Land Management State Office having jurisdiction over the lands involved (43 CFR Subpart 1821).

(b) The original application or any renewal application shall be accompanied by the fee prescribed in section 3473 of this title, except when the application is filed by a relief agency.

§ 3440.1-2 Qualifications.

(a) An individual, association or individuals, municipality, charitable organization or relief agency may hold a license to mine. A municipality shall file the information required under § 3472.2-5(b) of this title.

(b) A license to mine shall not be issued to a private corporation.

(c) A license to mine shall not be issued to a minor, but may be issued to a legal guardian on behalf of a minor.

§ 3440.1-3 Limitations on coal use.

(a) A license to mine may be issued to a municipality for the nonprofit mining and disposal of coal to its residents for household use only. Under such a license, a municipality may not mine coal either for its own use or for nonhousehold use such as for factories, stores, other business establishments and heating and lighting plants.

(b) Coal extracted under a license to mine shall not be disposed of for profit.

§ 3440.1-4 Area and duration of license.

(a) A license to mine for an individual or association in the absence of unusual conditions or necessity, shall be limited to a legal subdivision of 40 acres or less and may be revoked at any time. Each license to mine shall terminate at the end of 2 years from the date of issuance, unless an application for a 2 year renewal is filed and approved before its termination date.

(b) A license to mine to a municipality may not exceed 320 acres for a municipality of less than 100,000 population, 1,280 acres for a municipality between 100,000 and 150,000 population, and 2,560 acres for a municipality of 150,000 population or more. A license to mine to a municipality shall terminate at the end of 4 years from the date of issuance, unless an application for a 4 year renewal is filed and approved before the termination date.

(c)(1) The authorized officer may authorize a recognized and established relief agency of any state upon the agency's request, to take government-owned coal deposits within the state and provide the coal to localities where it is needed to supply families on the rolls of such agency who require coal for household use but are unable to pay for that coal.

(2) Tracts shall be selected in areas assessed as acceptable for mining operations and at points convenient to supply the families in a locality. Each family shall be restricted to the amount of coal actually needed for its use, not to exceed 20 tons annually.

(3) Coal shall be taken from such tracts only by those with written authority from the relief agency. All mining shall be done pursuant to such authorization. All Federal and state laws and regulations for the safety of miners, prevention of fires and of waste, etc., shall be observed. The relief agency shall see that the premises are left in a safe condition for future mining operations.

§ 3440.1-5 Payments and reports.

(a) No rental or royalty shall be required.

(b) Each holder of a license to mine shall provide an annual report to the appropriate Bureau of Land Management State Office describing all operation conducted under such license.

§ 3440.1-6 Compliance with Surface Mining Control and Reclamation Act.

Mining on a license to mine shall not commence without a permit issued by the regulatory authority unless the operation is exempt from the permit requirements under 30 CFR 700.11.

PART 3450—MANAGEMENT OF EXISTING LEASES

Subpart 3451—Continuation of Leases—Readjustment of Terms

Sec.

3451.1 Readjustment of lease terms.
3451.2 Notification of readjusted lease terms.

Subpart 3452—Relinquishment, Cancellation, and Termination

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Subpart 3453—Transfers by Assignment, Sublease or Otherwise

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Authority: 30 U.S.C. 181 et seq.; 30 U.S.C. 351-359; 30 U.S.C. 521-531; 30 U.S.C. 1201 et seq.; 42 U.S.C. 7101 et seq.; and 43 U.S.C. 1701 et seq.

Subpart 3451—Continuation of Leases—Readjustment of Terms

§ 3451.1 Readjustment of lease terms.

(a)(1) All leases issued prior to August 4, 1976, shall be subject to readjustment at the end of the current 20-year period and at the end of each 10-year period thereafter. All leases issued after August 4, 1976, shall be subject to readjustment at the end of the first 20-year period and, if the lease is extended, each 10-year period thereafter.

(2) Any lease subject to readjustment which contains a royalty rate less than the minimum royalty prescribed in § 3473.3-2 of this title shall be readjusted to conform to the minimum prescribed in that section.

(3) Each lease shall be readjusted to provide that it is subject to the unsuitability criteria set out in subpart 3461 of this title.

(b) The authorized officer shall notify the lessee whether or not any readjustment of terms and conditions is to be made. If feasible, the authorized officer shall so notify the lessee of any lease which becomes subject to readjustment prior to June 1, 1980, before the expiration of the current 20-year period.

(c) If the lease became subject to readjustment of terms and conditions before August 4, 1976, but the authorized officer prior to that date neither readjusted the terms and conditions nor informed the lessee whether or not a readjustment would be made, the terms and conditions of that lease shall be readjusted to conform to the requirements of the Federal Coal Leasing Amendments Act of 1976, and to conform expressly to the provisions for diligent development and continued operation in § 3475.6 of this title.

(d)(1) The authorized officer shall, prior to the expiration of the current or initial 20-year period or any succeeding 10-year period thereafter, notify the lessee of any lease which becomes subject to readjustment after June 1, 1980, whether any readjustment of terms and conditions will be made prior to the expiration of the initial 20-year period or any succeeding 10-year period thereafter. On such a lease the failure to so notify the lessee shall mean that the United States is waiving its right to readjust the lease for the readjustment period in question.

(2) In any notification that a lease will be readjusted under this subsection, the

authorized officer shall prescribe when the notice of readjusted lease terms shall be transmitted to the lessee. This time shall be as soon as possible after notice that the lease shall be readjusted, but shall not be longer than 2 years after such notice. Failure to transmit the notice of readjusted lease terms in the specified period shall constitute a waiver of the right to readjust, unless the delay is caused by events beyond the control of the Department.

(e) In the notification that the lease will be readjusted, the authorized officer may require the lessee to furnish information specified in § 3422.3–4 of this title for review by the Attorney General as required by section 27(1) of the Mineral Leasing Act of 1920, as amended. If the authorized officer requests the information specified, no lease readjustment shall be effective until 30 days after the authorized officer has transmitted the required information to the Attorney General. The lease shall be subject to cancellation if the lessee fails to furnish the required information within the time allowed.

§ 3451.2 Notification of readjusted lease terms.

(a) If the notification that the lease will be readjusted did not contain the proposed readjusted lease terms, the authorized officer shall, within the time specified in the notice that the lease shall be readjusted, notify the lessee of the proposed readjusted lease terms.

(b) The notification of readjusted lease terms shall also notify the lessee that if he does not file either an objection to the proposed readjustment or a relinquishment of the lease within 60 days after receipt of notice of the proposed readjusted terms from the authorized officer, the terms of such readjustment shall be considered agreed upon.

(c) The notification of readjusted lease terms shall specify the procedures to be followed if the lessee objects to the proposed readjusted lease terms.

(d) The readjusted lease terms shall become effective either 60 days after the lessee is notified of them, or 30 days after the authorized officer transmits the required information to the Attorney General, whichever is later.

(e) In any case of an appeal from the notice of readjusted lease terms, the authorized officer may, consistent with 43 CFR 4.21(a), provide that the decision is effective pending the outcome of the appeal.

Subpart 3452—Relinquishment, Cancellation and Termination

§ 3452.1 Relinquishment.

§ 3452.1–1 General.

Upon a satisfactory showing that the public interest shall not be impaired, the lessee may surrender the entire lease, a legal subdivision thereof, an aliquot part thereof (not less than 10 acres), or any bed of the coal deposits therein. A partial relinquishment shall describe clearly the surrendered parcel or coal deposits and give the exact acreage relinquished (see 43 CFR 3475.5(c)).

§ 3452.1–2 Where filed.

A relinquishment shall be filed in triplicate by the lessee in the Bureau of Land Management State Office having jurisdiction over the lands involved (43 CFR Subpart 1821).

§ 3452.1–3 Acceptance.

The relinquishment shall be effective on the date that the authorized officer determines that all accrued rentals and royalties have been paid and that all the obligations of the lessee under the regulations and terms of the lease have been met.

§ 3452.2 Cancellation.

§ 3452.2–1 Cause for cancellation.

(a) The authorized officer, after compliance with § 3452.2–2 of this title, may take the appropriate steps to institute proceedings in a court of competent jurisdiction for the cancellation of the lease if the lessee: (1) fails to comply with the provisions of the Mineral Leasing Act of 1920, as amended; (2) fails to comply with the general regulations in force on the date of the lease or in force on the effective date of any readjustment of the terms and conditions of the lease, or with regulations issued after lease issuance and readjustment but made applicable under the terms of the lease; or (3) defaults in the performance of any of the terms, covenants, and stipulations of the lease.

(b) A waiver of any particular default, breach or cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other default, breach or cause of forfeiture, or for the same cause occurring at any other time.

(c) Any lease issued before August 4, 1976, on which the lessee does not meet the diligent development requirements or any lease whenever issued on which the lessee does not meet the continued operation requirements shall be subject to cancellation in whole or in part. In deciding whether to initiate lease cancellation proceedings under this subsection, the Secretary shall not consider adverse circumstances which arise out of (1) normally foreseeable costs of compliance with requirements for environmental protection; (2) commonly experienced delays in delivery of supplies or equipment; or (3) inability to obtain sufficient sales.

§ 3452.2–2 Cancellation procedure.

The lessee shall be given notice of any default, breach or cause of forefeiture and be afforded 30 days to correct the default, to request an extension of time in which to correct the default, or to submit evidence showing why the lease should not be cancelled.

§ 3452.3 Termination.

(a) Any lease issued after August 4, 1976, shall be terminated if the lessee does not meet the diligent development requirements.

(b) Should a lease be cancelled or terminated for any reason, all deferred bonus payments shall be immediately payable and all rentals and royalties, including advance royalties, already paid or due, shall be forfeited to the United States.

Subpart 3453—Transfers by Assignment, Sublease or Otherwise

§ 3453.1 Qualifications.

§ 3453.1–1 Who may transfer or receive a transfer.

(a) Leases may be transferred in whole or in part to any person, association or corporation qualified to hold such leases, except as provided by §§ 3420.1–4(b)(1)(iv) and 3420.1–4(b)(2)(ii) of this title.

(b) A minor is not qualified to hold a lease in his own name and a transfer to a minor in his own name shall not be approved. However, a transfer in behalf of a minor, including a minor heir or devisee of a lessee, to a legal guardian or trustee may be approved.

§ 3453.1–2 Number of copies required.

A single signed copy of the qualifications required under subpart 3472 of this title is sufficient.

§ 3453.1–3 Sole party in interest.

The transferee or transferees shall comply with § 3472.2–1 of this title.

§ 3453.1–4 Attorney-in-fact.

The attorney-in-fact shall comply with § 3472.2–3 of this title.

§ 3453.1–5 Heirs and devisees.

An appropriate showing as required under § 3472.2–4 of this title shall be furnished before the heirs or devisees of

a deceased holder of a lease, operating agreement, or royalty interest in a lease can be recognized by the Secretary as the new holders of a lease, agreement, or interest.

§ 3453.2 Requirements.

§ 3453.2–1 Application.

Applications for approval of any transfer of a lease or any interest in a lease, whether by direct assignment, working agreement, transfer of royalty interest, sublease, or otherwise, shall be filed within 90 days from final execution.

§ 3453.2–2 Forms and statements.

(a) Transfers of any record title interest shall be filed in triplicate.

(b) No specific form need be used for requests for approval of transfers. The application shall contain evidence of the transferee's qualifications, including a statement of Federal coal lease acreage holdings. This evidence shall consist of the same showing of qualifications required of a lease applicant by subpart 3472 of this title.

(c) A separate instrument of transfer shall be filed for each lease when transfers involve record titles. When transfers to the same person, association, or corporation involving more than one lease are filed at the same time, one request for approval and one showing as to the qualifications of the transferee shall be sufficient.

(d) A single signed copy of all other instruments of transfer is sufficient, except that collateral assignments and other security or mortgage documents shall not be accepted for filing.

(e) Any transfer of a record title interest or assignment of operating rights shall be accompanied by the transferee's submission of the information specified in § 3422.3–4 of this title, including the holdings of any affiliate(s) (including joint ventures) of the transfers, or a statement incorporating a prior submission of the specified information by reference to the date and lease serial number of the submission, and containing any and all changes in holdings since the date of the prior submission.

(f) Any document of transfer which does not contain a description of all consideration or value paid or promised for the transfer shall be accompanied by a separate statement of all consideration or value, whether cash, property, future payments or any other type of consideration, paid or promised for the transfer.

(g) Information submitted to comply with subsections (e) and (f) of this section may be labeled as proprietary data and shall be so treated, consistent with the Freedom of Information Act.

§ 3453.2–3 Filing location and fee.

An application for approval of a transfer shall be filed in the Bureau of Land Management State Office having jurisdiction over the leased lands proposed for transfer (43 CFR Subpart 1821). Each application shall be accompanied by a nonrefundable filing fee (43 CFR 3473.2).

§ 3453.2–4 Bonds.

(a) If a bond is required, it shall be furnished before a lease transfer may be approved. The consent of the surety to the substitution of the transferee as principal or a new bond with the transferee as principal shall be submitted if the original lease required the maintenance of a bond. If the transfer is for part of the leased land only, it shall be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the lessee shall be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the leased lands transferred.

(b) The person transferring a lease, including a sublessee, and the surety for the lease shall continue to be responsible for the performance of any obligation under the lease until the effective date of the approval of the transfer. If the transfer is not approved, their obligation to the United States shall continue as though no such transfer had been filed for approval. After the effective date of approval, the transferee, including any sublessee, and the transferee's surety shall be responsible for all lease obligations notwithstanding any terms in the transfer to the contrary.

§ 3453.2–5 Description of lands.

The description of the lands involved in the instrument of transfer shall match the description of lands in the lease. The transfer of only a part of the lands shall be permitted only where it is demonstrated that each remaining lease area is a logical mining unit or part of a logical mining unit.

§ 3453.2–6 Effect of partial assignment.

The approval of a transfer of only a part of the lands in a lease shall create a new lease, bearing a new serial number, but containing the same terms and conditions as the original lease. A lease so created shall be deemed a logical mining unit.

§ 3453.3 Approval.

§ 3453.3–1 Conditions for approval.

No transfer shall be approved if:

(a) the transferee is not qualified to hold a lease or an interest in a lease under subpart 3472 of this title, or under §§ 3420.1–4(b)(1)(iv) and 3420.1–4(b)(2)(ii) of this title;

(b) the lease bond is insufficient;

(c) the filing fee has not been submitted;

(d) the transferee would hold the lease in violation of the acreage requirements set out in subpart 3472 of this title;

(e) the transfer would create an overriding royalty interest in violation of § 3473.3 of this title;

(f) the lease account is not in good standing; or

(g) the information required under § 3453.2–2 (e) or (f) of this title has not been submitted.

§ 3453.3–2 Disapproval of transfers.

(a) The authorized officer shall deny an application for approval of a transfer if any reason why the transfer cannot be approved (listed in § 3453.3–1 of this title) is not cured within the time established by the authorized officer in a decision notifying the applicant for approval why the transfer cannot be approved.

(b)(1) The authorized officer shall not approve a transfer until 30 days after the Attorney General receives the notice and statement of the transferee's coal holdings, or until the Attorney General notifies the authorized officer that the transfer would not create or maintain a situation inconsistent with the antitrust laws, whichever comes first. If the Attorney General notifies the authorized officer that the statement of coal holdings is not complete or accurate, the 30 day period shall stop running on the date of such notification and shall not resume running until the Attorney General receives the supplemental information.

(2) The authorized officer shall not approve the transfer if, during the 30 day period, the Attorney General notifies the authorized officer that the lease transfer would create or maintain a situation inconsistent with the antitrust laws, except after complying with subsection (b)(3) of this section.

(3) If the Attorney General notifies the authorized officer that a transfer should not be approved, the authorized officer shall disapprove the transfer unless, after a public hearing is conducted on the record in accordance with the Administrative Procedure Act, the authorized officer determines that:

(i) approval of the transfer is necessary to carry out the purposes of the Federal Coal Leasing Amendments Act of 1976;

(ii) approval of the transfer is in the public interest; and

(iii) there are no reasonable alternatives to approval of the transfer consistent with the Federal Coal Leasing Amendments Act of 1976, the antitrust laws and the public interest.

§ 3453.3-3 Effective date.

A transfer shall take effect the first day of the month following its final approval by the Bureau of Land Management, or if the transferee requests, the first day of the month of the approval.

§ 3453.3-4 Extensions.

The filing of or approval of any transfer shall not alter any terms or extend any time periods under the lease, including those dealing with readjustment of the lease and the diligent development and continued operation on the lease.

PART 3460—ENVIRONMENT

Subpart 3461—Federal Lands Review—Unsuitability for Mining

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Authority: 30 U.S.C. 181 et seq.; 30 U.S.C. 351–359; 30 U.S.C. 521–531; 30 U.S.C. 1201 et seq.; and 43 U.S.C. 1701 et seq.

Subpart 3461—Federal Lands Review—Unsuitability for Mining

§ 3461.0-3 Authority.

(a) These regulations are issued under the authority of the statutes listed in § 3400.0-3 of this title.

(b) These regulations primarily implement:

(1) The general unsuitability criteria in section 522(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(a));

(2) The Federal lands review in section 522(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(b)); and

(3) The prohibitions against mining certain lands in section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)).

§ 3461.0-6 Policy.

The Department shall carry out the review of Federal lands under section 522(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(b)) principally through land use planning assessments by the surface management agency regarding the unsuitability of Federal lands for all or certain stipulated methods of coal mining.

§ 3461.0-7 Scope.

Each criterion in § 3461.1 of this title uses the phrase "shall be considered unsuitable" as shorthand for "shall be considered unsuitable for all or certain stipulated methods of coal mining involving surface coal mining operations, as defined in § 3400.0-5(vv) of this title. The manner in which the criteria are phrased does not diminish the scope of the general underground mining exception (43 CFR 3461.2), or the obligation of the authorized officer to describe in the comprehensive land use plan or land use analysis whether lands assessed as unsuitable are unsuitable for all or only certain stipulated methods of coal mining (43 CFR 3420.2-3(c), 3461.3).

§ 3461.1 Criteria for assessing lands unsuitable for all or certain stipulated methods of coal mining.

(a)(1) *Criterion Number 1.* All Federal lands included in the following land systems or categories shall be considered unsuitable: National Park System, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, National Wild and Scenic Rivers System, National Recreation Areas, lands acquired with money derived from the Land and Water Conservation Fund, National Forests, and Federal lands in incorporated cities, towns, and villages. All Federal lands which are recommended for inclusion in any of the above systems or categories by the administration in legislative proposals submitted to the Congress or which are required by statute to be studied for inclusion in such systems or categories shall be considered unsuitable.

(2) *Exceptions.* (i) A lease may be issued within the boundaries of any National Forest if the Secretary finds no significant recreational, timber, economic or other values which may be incompatible with the lease; and (A) surface operations and impacts are incident to an underground coal mine, or (B) where the Secretary of Agriculture determines, with respect to lands which do not have significant forest cover within those National Forests west of the 100th meridian, that surface mining may be in compliance with the Multiple-Use Sustained-Yield Act of 1960, the Federal Coal Leasing Amendments Act of 1976 and the Surface Mining Control and Reclamation Act of 1977. (ii) A lease may be issued within the Custer National Forest with the consent of the Department of Agriculture as long as no surface coal mining operations are permitted.

(3) *Exemptions.* The application of this criterion to lands within the listed land systems and categories is subject to valid existing rights, and does not apply to surface coal mining operations existing on August 3, 1977. The application of the portion of this criterion applying to land proposed for inclusion in the listed systems does not apply to lands: to which substantial legal and financial commitments were made prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(b)(1) *Criterion Number 2.* Federal lands that are within rights-of-way or easements or within surface leases for residential, commercial, industrial, or other public purposes, or for agricultural crop production on Federally owned surface shall be considered unsuitable.

(2) *Exceptions.* A lease may be issued, and mining operations approved, in such areas if the surface management agency determines that:

(i) All or certain types of coal development (e.g., underground mining)

will not interfere with the purpose of the right-of-way or easement; or

(ii) The right-of-way or easement was granted for mining purposes; or

(iii) The right-of-way or easement was issued for a purpose for which it is not being used; or

(iv) The parties involved in the right-of-way or easement agree, in writing, to leasing; or

(v) It is impractical to exclude such areas due to the location of coal and method of mining and such areas or uses can be protected through appropriate stipulations.

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(c)(1) *Criterion Number 3.* Federal lands affected by section 522(e) (4) and (5) of the Surface Mining Control and Reclamation Act of 1977 shall be considered unsuitable. This includes lands within 100 feet of the outside line of the right-of-way of a public road or within 100 feet of a cemetery, or within 300 feet of any public building, school, church, community or institutional building or public park or within 300 feet of an occupied dwelling.

(2) *Exceptions.* A lease may be issued for lands:

(i) Used as mine access roads or haulage roads that join the right-of-way for a public road;

(ii) For which the Office of Surface Mining Reclamation and Enforcement has issued a permit to have public roads relocated;

(iii) For which owners of occupied buildings have given written permission to mine within 300 feet of their buildings.

(3) *Exemptions.* The application of this criterion is subject to valid existing rights, and does not apply to surface coal mining operations existing on August 3, 1977.

(d)(1) *Criterion Number 4.* Federal lands designated as wilderness study areas shall be considered unsuitable while under review by the Administration and the Congress for possible wilderness designation. For any Federal land which is to be leased or mined prior to completion of the wilderness inventory by the surface management agency, the environmental assessment or impact statement on the lease sale or mine plan shall consider whether the land possesses the characteristics of a wilderness study area. If the finding is affirmative, the land shall be considered unsuitable, unless issuance of noncompetitive coal leases and mining on leases is authorized under the Wilderness Act and the Federal Land Policy and Management Act of 1976.

(2) *Exemption.* The application of this criterion to lands for which the Bureau of Land Management is the surface management agency and lands in designated wilderness areas in National Forests is subject to valid existing rights.

(e)(1) *Criterion Number 5.* Scenic Federal lands designated by visual resource management analysis as Class I (an area of outstanding scenic quality or high visual sensitivity) but not currently on the National Register of Natural Landmarks shall be considered unsuitable. A lease may be issued if the surface management agency determines that surface coal mining operations will not significantly diminish or adversely affect the scenic quality of the designated area.

(2) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(f)(1) *Criterion Number 6.* Federal lands under permit by the surface management agency, and being used for scientific studies involving food or fiber production, natural resources, or technology demonstrations and experiments shall be considered unsuitable for the duration of the study, demonstration or experiment, except where mining could be conducted in such a way as to enhance or not jeopardize the purposes of the study, as determined by the surface management agency, or where the principal scientific user or agency gives written concurrence to all or certain methods of mining.

(2) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(g)(1) *Criterion Number 7.* All districts, sites, buildings, structures, and objects of historic, architectural, archeological, or cultural significance on Federal lands which are included in or eligible for inclusion in the National Register of Historic Places, and an appropriate buffer zone around the outside boundary of the designated property (to protect the inherent values of the property that make it eligible for listing in the National Register) as determined by the surface management agency, in consultation with the Advisory Council on Historic Preservation and the State Historic Preservation Office shall be considered unsuitable.

(2) *Exceptions.* All or certain stipulated methods of coal mining may be allowed if the surface management agency determines, after consultation with the Advisory Council on Historic Preservation and State Historic Preservation Office that the direct and indirect effects of mining, as stipulated, on a property in or eligible for the National Register of Historic Places will not result in significant adverse impacts to the property.

(3) *Exemptions.* The application of this criterion to a property listed in the National Register is subject to valid existing rights, and does not apply to surface coal mining operations existing on August 3, 1977. The application of the criterion to buffer zones and properties eligible for the National Register does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(h)(1) *Criterion Number 8.* Federal lands designated as natural areas or as National Natural Landmarks shall be considered unsuitable.

(2) *Exceptions.* A lease may be issued and mining operation approved in an area or site if the surface management agency determines that:

(i) With the concurrence of the state, the area or site is of regional or local significance only;

(ii) The use of appropriate stipulated mining technology will result in no significant adverse impact to the area or site; or

(iii) The mining of the coal resource under appropriate stipulations will enhance information recovery (e.g., paleontological sites).

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which includes operations on which a permit has been issued.

(i)(1) *Criterion Number 9.* Federally designated critical habitat for threatened or endangered plant and animal species, and habitat for Federal threatened or endangered species which is determined by the Fish and Wildlife Service and the surface management

agency to be of essential value and where the presence of threatened or endangered species has been scientifically documented, shall be considered unsuitable.

(2) *Exception.* A lease may be issued and mining operations approved if, after consultation with the Fish and Wildlife Service, the Service determines that the proposed activity is not likely to jeopardize the continued existence of the listed species and/or its critical habitat.

(j)(1) *Criterion Number 10.* Federal lands containing habitat determined to be critical or essential for plant or animal species listed by a state pursuant to state law as endangered or threatened shall be considered unsuitable.

(2) *Exception.* A lease may be issued and mining operations approved if, after consultation with the state, the surface management agency determines that the species will not be adversely affected by all or certain stipulated methods of coal mining.

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(k)(1) *Criterion Number 11.* A bald or golden eagle nest or site on Federal lands that is determined to be active and an appropriate buffer zone of land around the nest site shall be considered unsuitable. Consideration of availability of habitat for prey species and of terrain shall be included in the determination of buffer zones. Buffer zones shall be determined in consultation with the Fish and Wildlife Service.

(2) *Exceptions.* A lease may be issued if:

(i) It can be conditioned in such a way, either in manner or period of operation, that eagles will not be disturbed during breeding season; or

(ii) The surface management agency, with the concurrence of the Fish and Wildlife Service, determines that the golden eagle nest(s) will be moved.

(iii) Buffer zones may be decreased if the surface management agency determines that the active eagle nests will not be adversely affected.

(l)(1) *Criterion Number 12.* Bald and golden eagle roost and concentration areas on Federal lands used during migration and wintering shall be considered unsuitable.

(2) *Exception.* A lease may be issued if the surface management agency determines that all or certain stipulated methods of coal mining can be conducted in such a way, and during such periods of time, to ensure that eagles shall not be adversely disturbed.

(m)(1) *Criterion Number 13.* Federal lands containing a falcon (excluding kestrel) cliff nesting site with an active nest and a buffer zone of Federal land around the nest site shall be considered unsuitable. Consideration of availability of habitat for prey species and of terrain shall be included in the determination of buffer zones. Buffer zones shall be determined in consultation with the Fish and Wildlife Service.

(2) *Exception.* A lease may be issued where the surface management agency, after consultation with the Fish and Wildlife Service, determines that all or certain stipulated methods of coal mining will not adversely affect the falcon habitat during the periods when such habitat is used by the falcons.

(n)(1) *Criterion Number 14.* Federal lands which are high priority habitat for migratory bird species of high Federal interest on a regional or national basis, as determined jointly by the surface management agency and the Fish and Wildlife Service, shall be considered unsuitable.

(2) *Exception.* A lease may be issued where the surface management agency, after consultation with the Fish and Wildlife Service, determines that all or certain stipulated methods of coal mining will not adversely affect the migratory bird habitat during the periods when such habitat is used by the species.

(o)(1) *Criterion Number 15.* Federal lands which the surface management agency and the state jointly agree are fish and wildlife habitat for resident species of high interest to the state and which are essential for maintaining these priority wildlife species shall be considered unsuitable. Examples of such lands which serve a critical function for the species involved include:

(i) Active dancing and strutting grounds for sage grouse, sharp-tailed grouse, and prairie chicken;

(ii) Winter ranges most critical for deer, antelope, and elk; and

(iii) Migration corridors for elk.

A lease may be issued if, after consultation with the state, the surface management agency determines that all or certain stipulated methods of coal mining will not have a significant long-term impact on the species being protected.

(2) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(p)(1) *Criterion Number 16.* Federal lands in riverine, coastal, and special floodplains (100-year recurrence interval) shall be considered unsuitable unless, after consultation with Geological Survey, the surface management agency determines that all or certain stipulated methods of coal mining can be undertaken without substantial threat of loss to people or property, and to the natural and beneficial values of the floodplain on the lease tract and downstream.

(2) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(q)(1) *Criterion Number 17.* Federal lands which have been committed by the surface management agency to use as municipal watersheds shall be considered unsuitable.

(2) *Exception.* A lease may be issued where:

(i) The surface management agency determines, as a result of studies, that all or certain stipulated methods of coal mining will not adversely affect the watershed to any significant degree; and

(ii) The municipality (incorporated entity) or the responsible governmental unit concurs in writing in the issuance of the lease.

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(r)(1) *Criterion Number 18.* Federal lands with National Resource Waters, as identified by states in their water quality management plans, and a buffer zone of Federal lands ¼ mile from the outer edge of the far banks of the water, shall be unsuitable.

(2) *Exception.* The buffer zone may be eliminated or reduced in size where the surface management agency determines that it is not necessary to protect the National Resource Waters.

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

(s)(1) *Criterion Number 19.* Federal lands identified by the surface management agency, in consultation with the state in which they are located, as alluvial valley floors according to the definition in § 3400.0–5(a) of this title, the standards in 30 CFR Part 822, the final alluvial valley floor guidelines of the Office of Surface Mining Reclamation and Enforcement when published, and approved state programs under the Surface Mining Control and Reclamation Act of 1977, where mining would interrupt, discontinue, or preclude farming, shall be considered unsuitable. Additionally, when mining Federal land outside an alluvial valley floor would materially damage the quantity or quality of water in surface or underground water systems that would supply alluvial valley floors, the land shall be considered unsuitable.

(2) *Exemptions.* This criterion does not apply to surface coal mining operations which produced coal in commercial quantities in the year preceding August 3, 1977, or which had obtained a permit to conduct surface coal mining operations.

(t)(1) *Criterion Number 20.* Federal lands in a state to which is applicable a criterion (i) proposed by that state, and (ii) adopted by rulemaking by the Secretary, shall be considered unsuitable.

(2) *Exceptions.* A lease may be issued when:

(i) Such criterion is adopted by the Secretary less than 6 months prior to the publication of the draft comprehensive land use plan or land use analysis, plan, or supplement to a comprehensive land use plan, for the area in which such land is included, or

(ii) After consultation with the state, the surface management agency determines that all or certain stipulated methods of coal mining will not adversely affect the value which the criterion would protect.

(3) *Exemptions.* This criterion does not apply to lands: to which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

§ 3461.2 Underground mining exemption from criteria.

(a) Federal lands with coal deposits that would be mined by underground mining methods shall not be assessed as unsuitable where there would be no surface coal mining operations, as defined in § 3400.0–5 of this title, on any lease, if issued.

(b) Where underground mining will include surface operations and surface impacts on Federal lands to which a criterion applies, the lands shall be assessed as unsuitable unless the surface management agency finds that a relevant exception or exemption applies. Surface impacts include surface occupancy, subsidence, fire, and other environmental impacts of underground mining which are manifested on the surface.

§ 3461.3 Unsuitability assessment procedures.

§ 3461.3–1 Assessment and land use planning.

(a)(1) The authorized officer of the surface management agency shall describe in the comprehensive land use plan or land use analysis the results of the application of each of the unsuitability criteria. Exceptions should only be considered when an unsuitability condition exists in an area free of other unsuitability conditions, and for which the responsible official would otherwise regard coal mining as a likely use. Should the authorized officer further determine that conditions for an exception exist, the authorized officer shall state each area to which an exception has been applied. The authorized officer shall state in the plan or analysis those areas which could be leased only subject to conditions or stipulations to conform to the application of the criteria or exceptions.

(2) At such time as the criteria and exceptions are applied in land use planning, the authorized officer shall invite public comment thereon through a notice published in the **Federal Register** and a newspaper of general circulation in the area covered by the plan or analysis. The notice shall announce the availability of a map or maps displaying those areas:

(i) to which no criteria would apply;

(ii) to which a criterion or criteria cannot be applied pending collection of data under paragraph (b) below;

(iii) to which a criterion would apply;

(iv) to which a criterion would apply where the authorized officer does not intend to consider an exception; and

(v) to which a criterion and an exception thereto have been applied.

(b)(1) The authorized officer shall make his assessment on the best available data that can be obtained given the time and resources available to prepare the plan. The comprehensive land use plan or land use analysis shall include an indication of the adequacy and reliability of the data involved. Where either a criterion or exception (when under subsection (a) of this section the authorized officer decides that application of an exception is appropriate) cannot be applied during the land use planning process because of inadequate or unreliable data, the plan or analysis shall discuss the reasons therefor and disclose when activity planning, or, in the case of criterion 19, prior to approval of a permit, the data needed to make an assessment with reasonable certainty would be generated. The authorized officer shall make every effort within the time and resources available to collect adequate and reliable data which would permit the application of criterion 19 in the land use or activity planning process. When those data are obtained, the authorized officer shall make public his assessment on the application of the criterion or, if appropriate, the exception and the reasons therefor and allow opportunity for public comment.

(2) No lease tract shall be analyzed in a final regional lease sale environmental impact statement prepared under § 3420.4–5 of this title without significant data material to the application to the tract of each criterion described in § 3461.1 of this title, except, where necessary, criterion 19. If the data are lacking for the application of a criterion or exception to only a portion of the tract, and if the authorized officer determines that it is likely that stipulations in the lease or permit to conduct surface coal mining operations could avoid any problems which may result from subsequent application of the criterion or exception, such tract may be included and analyzed in the regional lease sale environmental impact statement.

(c) Any unsuitability assessments which result either from a designation or a termination of a designation of Federal lands as unsuitable by the Office of Surface Mining Reclamation and Enforcement, or from changes warranted by additional data acquired in the activity planning process, may be made without formally revising or amending the comprehensive land use plan or analysis.

§ 3461.3–2 Consultation on unsuitability assessments.

(a) Prior to adopting a comprehensive land use plan or land use analysis which assesses Federal lands as unsuitable for coal mining, the Secretary or other surface management agency shall complete the consultation set out in § 3420.2–6 of this title.

(b) When consultation or concurrence is required in the application of any criterion or exception in § 3461.1 of this

title, the request for advice or concurrence, and the reply thereto, shall be in writing. Unless another period is provided by law, the authorized officer shall specify that the requested advice, concurrence or nonconcurrence be made within 30 days. Extensions of time that do not jeopardize the planning schedule may be granted for reply.

(c) When the authorized officer does not receive a response either to a request for concurrence which is required by this subpart but not by law, or to consultation within the specified time, he or she may proceed as though concurrence had been given or consultation had occurred. If the authorized officer takes action not in accordance with advice received in consultation under this subpart, he or she shall set forth the reasons therefor in the comprehensive land use plan, land use analysis or other document containing the results of the application of the specific unsuitability criterion or exception.

§ 3461.3-3 Findings.

When the authorized officer assesses the Federal lands as unsuitable, the authorized officer shall prepare a statement for such lands on the potential coal resources, the demand for coal resources, and the impact of such designation on the environment, the economy, and the supply of coal.

§ 3461.4 Relationship of leasing to unsuitablity assessment.

§ 3461.4-1 Application of criteria on unleased lands.

(a) The unsuitability criteria shall be applied, prior to lease issuance, to all lands leased after the issuance of these regulations, including lands in noncompetitive (preference right) leases, applications and applications for leases under subpart 3425 of this title.

(b) The unsuitability criteria shall be initially applied either:

(1) During land use planning or the environmental assessment conducted for a specific lease application, lease modification, or preference right lease application under either § 3425.2 or § 3430.3 of this title; or

(2) During land use planning under the provisions of § 3420.1-5 of this title.

§ 3461.4-2 Application of criteria on leased lands.

(a) The unsuitability criteria shall be applied to all non-producing leases, issued prior to the effective date of these regulations. The Bureau of Land Management may await the lessee's submission of a mining plan before applying the unsuitability criteria. This shall not preclude assessment of lands in an existing lease as part of the normal land use planning process.

(b) An unsuitability assessment of leased lands in the course of land use planning shall be conducted under the procedures in § 3461.3 of this title. An unsuitability assessment of leased lands during mining plan review shall, be conducted, to the extent practicable, consistent with the procedures in § 3461.3 of this title. In either case, in assessing leased lands, if any criterion applies, each exception to it shall be applied. If a criterion does apply and the conditions do not permit an exception, a further decision shall be made on whether the leased land is exempt from the criterion because of the source of the authority for the criterion. Mining may be permitted on land to which no criterion applies; on land where a criterion applies but where the conditions permit an exception; and on land to which a criterion applies, no exception applies, but which is exempt from that criterion.

(c) If a lease area or portion of a lease area is assessed to be unsuitable for all or certain stipulated methods of coal mining or the lease is found to be incompatible with the comprehensive land use plan or land use analysis, the Secretary may, except as provided in § 3461.5 of this title, negotiate with the lessee for exchange of coal lease bidding rights or other mineral leases or coal lease modifications as described in subpart 3435 of this title. If a lease area is assessed to be unsuitable because of impacts to alluvial valley floors, the Secretary may initiate negotiations with the lessee to exchange the lease for another Federal coal lease in an area acceptable for mining operations under subpart 3436 of this title.

§ 3461.5 Petitions to designate lands.

(a) Petitions to designate or terminate a designation of Federal lands as unsuitable for all or certain stipulated methods of surface coal mining shall be filed with and processed by the Surface Mining Officer under 30 CFR Part 769.

(b) After assessing unleased lands to be unsuitable in a comprehensive land use plan or land use analysis, the surface management agency may petition the Surface Mining Officer to designate the lands as unsuitable under 30 CFR Part 769.

(c) After assessing leased lands to be unsuitable under any criterion, its exceptions and exemptions, the surface management agency shall petition the Surface Mining Officer to designate the lands as unsuitable under 30 CFR Part 769.

(d) The completion of the unsuitability assessment by the surface management agency and filing of the petition under paragraph (b) or (c) of this section shall be deemed completion of the procedures in 30 CFR Part 769.14(c), (e)(1) and (g), and shall be deemed a recommendation for approval under 30 CFR 769.14(e)(2).

§ 3461.6 Exploration.

(a) Assessment of any area as unsuitable for all or certain stipulated methods of coal mining pursuant to section 522 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272) and the regulations of this subpart does not prohibit exploration of such area under subpart 3410 of this title.

(b) An application for an exploration license on any lands assessed as unsuitable for all or certain stipulated methods of coal mining shall be reviewed by the Bureau of Land Management to ensure that exploration does not harm any value for which the area has been assessed as unsuitable.

Subpart 3465—Surface Management and Protection

§ 3465.0-1 Purpose.

This subpart establishes rules for the management and protection of the surface of leased Federal lands when coal deposits are developed.

§ 3465.0-2 Objective.

This subpart is designed to ensure the use of effective and reasonable coal mining methods, and the reclamation of mined lands in a manner that will minimize any adverse social, economic, and environmental effects of coal mining.

§ 3465.0-3 Authority.

These regulations are issued under the authority of the statutes listed in § 3400.0-3 of this title.

§ 3465.0-7 Applicability.

This subpart applies to leases and licenses to mine, issued by the Bureau of Land Management for the development of Federal coal.

§ 3465.1 Use of surface.

(a) The operator shall use only that part of the surface area included in his lease or license to mine that has been included in an approved permit (30 CFR Part 741).

(b) Separate leases, permits, or rights-of-way under the appropriate provisions in Title 43 of the Code of Federal Regulations are required for the installation of power generation plants or commercial or industrial facilities on

the lands in the lease or license to mine or for the use of mineral materials or timber from the land in the lease or license to mine.

(c) Other land uses under other authorities may be allowed on an area in a lease or license to mine provided there is no unreasonable conflict and that neither the mining operation nor the other use is jeopardized by the presence of the other.

§ 3465.2 Obligations and standards of performance.

(a) A lessee or a holder of a license to mine shall comply with the regulations in this subpart and with the terms and conditions of the lease or license to mine.

(b) A lessee or a holder of a license to mine shall comply with the applicable performance standards in 30 CFR Chapter VII, Subchapter D, and 30 CFR 211.

(c) When changed conditions or newly discovered information indicate that an approved permit (30 CFR Part 741) needs to be reviewed or supplemented, the authorized officer shall recommend any appropriate revision or supplement to the Surface Mining Officer.

(d) The authorized officer may, in the issuance of any lease or license to mine, develop and include additional specific stipulations in the lease or license to mine involving special management consideration.

§ 3465.3 Inspections and noncompliance.

§ 3465.3-1 Inspections.

The authorized officer, Mining Supervisor, or inspectors from the Surface Mining Officer shall have the right to enter lands under a lease or license to mine to inspect without advance notice or a search warrant, upon presentation of appropriate credentials, to determine whether the activities and conditions are in compliance with the applicable laws, regulations, notices and orders, terms and conditions of leases, licenses to mine or permits, and the requirements of the approved mining plan.

§ 3465.3-2 Discovery of noncompliance.

(a) Upon discovery of activities or conditions that are not in compliance with the terms of a lease or license to mine, or with an approved permit (30 CFR 741), but that do not pose a serious and imminent danger to the public or to resources and environmental quality, the authorized officer shall refer the matter to the Surface Mining Officer for remedial action, or to the Mining Supervisor on matters of exploration outside the permit area.

(b) Upon discovery of activities or conditions that are not in compliance with the terms of a lease, license to mine, or with an approved permit and that do pose a serious and imminent danger to the health and safety of the public or to resources and environmental quality, the authorized officer may order the immediate cessation of the activities or conditions provided that the Surface Mining Officer is immediately informed of the issuance of any such emergency cessation order.

§ 3465.3-3 Failure of lessee or holder of license to mine to act.

Failure of a lessee or the holder of a license to mine to comply with an immediate cessation order issued under § 3465.3-2(b) or with a written notice of noncompliance issued by the Surface Mining Officer in accordance with 30 CFR Part 211 or 30 CFR Chapter VII, Subchapter D, shall be grounds for suspension of the permit and may be grounds for cancellation of the license to mine, or in accordance with subpart 3452 of this title, the lease.

§ 3465.4 Alternative postmining land use.

(a) When a permit applicant, who holds a lease or a license to mine, proposes any postmining land use that is substantially different from the land use prior to exploration and mining, the Surface Mining Officer, with the approval of the authorized officer of the appropriate surface management agency, may review and approve or disapprove any postmining land use in accordance with the criteria established in 30 CFR 816.133.

(b) If the Surface Mining Officer determines that a decision to approve any alternative postmining land use or alternative rehabilitation practices would constitute a major Federal action requiring an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and that the decision has not been discussed in any environmental impact statement that may have been prepared for the issuance of the lease or the approval of the permit, a statement shall be prepared by the Surface Mining Officer.

§ 3465.5 Bonding.

(a) A lease bond for compliance with the terms of a lease or license to mine shall be furnished in accordance with the applicable provisions of subpart 3474 of this title.

(b) The provisions governing reclamation performance bonds are found in 30 CFR Part 742.

(c) A lease or license to mine may be denied any applicant or successful bidder who has previously forfeited a bond because of failure to comply with a permit unless the affected lands covered by that plan or permit have been reclaimed without cost to the Federal Government. Nothing in this section shall modify or limit the discretionary authority of the authorized officer to deny for other causes any bid or application for a lease or license to mine.

§ 3465.6 Conduct, completion, and abandonment of operations.

All terms of the permit shall be administered under 30 CFR Chapter VII, Subchapter D, and 30 CFR 211.

PART 3470—COAL MANAGEMENT PROVISIONS AND LIMITATIONS

Subpart 3471—Coal Management Provisions and Limitations

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Authority: 30 U.S.C. 181 et seq. and 30 U.S.C. 351–359

Subpart 3471—Coal Management Provisions and Limitations

§ 3471.1 Land description requirements.

§ 3471.1–1 Land description and coal deposit in application.

(a) Any application for a lease, lease modification, or license to mine shall include a complete and accurate description of the lands for which the lease, lease modification, or license to mine is desired.

(b) If the land has been surveyed under the public land rectangular survey system, each application shall describe the land by legal subdivision (section, township, and range), or aliquot part thereof (but not less than 10 acres).

(c) Where protraction diagrams have been approved and the effective date has been published in the **Federal Register**, the application for land shown on such protraction diagrams and filed on or after the effective date shall contain a description of the land according to the section, township, and range shown on the approved protraction diagrams.

(d)(1) If the land has not been surveyed on the ground and is not shown on the records as covered by protraction diagrams, the application shall describe the land by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the land are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska, the description of unsurveyed land shall be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by an agency of the United States such as the Geological Survey, the National Oceanic and Atmospheric Administration, or the International Boundary Commission, if the record position is available to the general public.

(2)(i) If the land is acquired land in a non-public land state which has not been surveyed under the rectangular system of public land surveys, the land shall be described as in the deed or other document by which the United States acquired title to the lands or minerals.

(ii) If the land constitutes less than the entire tract acquired by the United States, it shall be described by courses and distances between successive angle points on its boundary tying by course and distance into an identifiable point listed in the description in the deed or other document by which the United States acquired title to the land.

(iii) If the description in the deed or other document by which the United States acquired title to the land does not include the courses and distance between the successive angle points on the boundary of the desired tract, the description in the application shall be expanded to include such courses and distances.

(iv) The application shall be accompanied by a map on which the land is clearly marked showing its location with respect to the administrative unit or project of which it is a part. It is not necessary to submit a map if the land has been surveyed under the rectangular system of public land surveys, and the land description can be conformed to that system.

(v) If an acquisition tract number has been assigned by the acquiring agency to the tract, a description by tract number will be accepted.

(vi) Any accreted land not described in the deed to the United States shall be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to an angle point on the perimeter of the acquired tract to which the accretions belong.

§ 3471.1–2 Land description in lease.

(a) All unsurveyed lands in a public land survey system state shall have a cadastral survey performed at Federal Government expense before a lease or license to mine may be issued, except for areas covered by a skeleton survey, i.e. Utah and Alaska, and the lease when issued shall be described by legal subdivision (section, township, and range), or aliquot part thereof (but no less than 10 acres).

(b) If the land is acquired land in a non-public land state, the land in the lease shall be described in the same manner provided for lease applications under § 3471.1–1(d)(2) of this title.

§ 3471.2 Effect of land transactions.

§ 3471.2–1 Disposal of land with a reservation of minerals.

(a) Where the lands included in a lease or license to mine have been or may be disposed of with reservation of the coal deposits, a lessee or the holder of a license to mine must comply fully with the law under which the reservation was made. See, among other laws, the Acts of March 3, 1909 (34 Stat. 844; 30 U.S.C. 81); June 22, 1910 (35 Stat. 583; 30 U.S.C. 83–85); December 29, 1916, as amended (39 Stat. 862; 43 U.S.C. 291–301); June 17, 1949 (63 Stat. 200); June 21, 1949 (63 Stat. 214; 30 U.S.C. 54); March 8, 1922 (42 Stat. 415; 48 U.S.C. 376–377); and October 21, 1976 (90 Stat. 2759; 43 U.S.C. 1719).

(b) Any sale or conveyance of lands subject to the Mineral Leasing Act for Acquired Lands by the agency having jurisdiction shall be subject to any lease or license to mine previously issued under that act.

(c) Leases on acquired lands outstanding on August 7, 1947, and covering lands subject to the Mineral Leasing Act for Acquired Lands may be exchanged for new leases to be issued under that act subject in each case to such appropriate conditions as may be prescribed.

(d) When: (1) the coal is to be mined by other than underground mining techniques, (2) the surface of the land is owned by a qualified surface owner, and (3) the lease is issued after August 3, 1977, the lessee shall comply with the terms of the written consent of the qualified surface owner not inconsistent with Federal and state mined land reclamation laws and regulations (43 CFR 3420.6).

§ 3471.2–2 Effect of conveyance to State or local entity.

(a) If the United States has conveyed the title to, or otherwise transferred control of the land surface containing the coal deposits to (1) any state or political subdivision, agency, or its instrumentality, (2) a college, any other educational corporation, or association, or (3) to a charitable or religious corporation or association, the transferee shall be notified by certified mail of the application for the license to mine or lease, or the scheduling of a lease sale. The transferee shall be given a reasonable period of time within which to suggest any stipulations necessary for the protection of existing surface improvements or uses to be included in the license or lease and state the supporting facts, or to file any

objections to its issuance and state the supporting facts.

(b) If the state, or local entity opposes the issuance of the license to mine or lease, the facts submitted in support of the opposition must be carefully considered and each case separately decided on its merits. Opposition by the state or local entity is not a bar to issuance of the license to mine or lease for the reserved minerals in the lands. (See, however, § 3461.1(b).) In each case, the final determination on whether to issue the license to mine or lease is based on the best interests of the public.

§ 3471.3 Cancellation or forfeiture.

§ 3471.3–1 Cancellation or forfeiture for cause.

Any lease or license to mine may be cancelled or forfeited for violation of the act under which the lease or license to mine was issued, applicable Federal regulations, or the terms and conditions of the lease or license to mine (43 CFR 3452.2).

§ 3471.3–2 Protection of bona fide purchaser.

(a) The Secretary's right to cancel or forfeit a lease for any violation shall not adversely affect the title or interest of a bona fide purchaser of any lease or any interest therein. A bona fide purchaser must be a person, association, or corporation qualified to hold such lease or interest, even though the holdings of the party or parties from which the lease or interest therein was acquired or their predecessor(s) in title (including the original lessee of the United States), may have been cancelled or forfeited for any such violation.

(b) Any party to any proceedings with respect to a violation of any provision of the mineral leasing laws has the right to be dismissed promptly as a party by showing that he or she holds and acquired his or her interest as a bona fide purchaser without having violated any provisions of the mineral leasing laws. No hearing shall be necessary on such showing unless prima facie evidence is presented to indicate a possible violation on the part of the alleged bona fide purchaser.

(c) If, during any such proceeding, a party waives his or her rights under the lease, or if such rights are suspended by order of the Secretary pending a decision, rental payments and time counted against the term of the lease shall be suspended as of the first day of the month following the filing of the waiver or the Secretary's suspension until the first day of the month following the final decision in the proceeding or the revocation of the waiver or suspension.

§ 3471.3–3 Sale of underlying interests.

If, in any proceeding to cancel or forfeit a lease or any interest therein acquired in violation of any of the provisions of the mineral leasing laws, the lease or interest therein is cancelled or forfeited, and if there are valid options to acquire the lease or an interest therein that are not subject to cancellation, forfeiture, or compulsory disposition, this lease or interest therein shall be sold to the highest responsible qualified bidder by competitive bidding, in a manner similar to that provided for in the offering of leases by competitive bidding, subject to all outstanding valid interests and options. If less than the whole interest in the lease or interest therein is cancelled or forfeited, the partial interest shall be sold in the same way. If no satisfactory offer is obtained as a result of the competitive offering of a whole or partial interest, it may be sold by other methods that the authorized officer finds appropriate. However, the terms shall not be less favorable to the Government than those of the best competitive bid received.

§ 3471.4 Future interest, acquired lands.

An application to lease lands in which the United States has a future interest filed more than 2 years prior to the date of the vesting in the United States of the interest in the coal shall be rejected. Any application for a future interest lease outstanding at the time of the vesting in the United States of the present possessory interest in the coal shall not lapse, but shall continue to be treated under subpart 3425 of this title. (See 43 CFR 3472.1–1(g).)

Subpart 3472—Lease Qualification Requirements

§ 3472.1 Qualified applicants and bidders.

A lease may be issued only to (a) citizens of the United States; (b) associations of citizens organized under the laws of the United States or of any state thereof, which are authorized to hold such interests by the statute under which they are organized and by the instrument establishing their association; (c) corporations organized under the laws of the United States or of any state thereof, including a company or corporation operating a common carrier railroad; and (d) public bodies, including municipalities.

§ 3472.1–1 Special leasing qualifications.

(a) Each applicant or bidder for a lease shall furnish a signed statement showing that, with the area applied or bid for, the applicant or bidder's interests in leases and lease applications, held directly or indirectly, do not exceed in the aggregate the acreage limitation in § 3472.1–2 of this title.

(b) A lease shall not be issued to a minor but may be issued to a legal guardian or trustee on behalf of a minor.

(c) Every company or corporation operating a common carrier railroad shall make a statement that it needs the coal for which it seeks a lease solely for its own railroad use; that it operates main or branch lines in the state in which the lands involved are located; that the aggregate acreage in the leases and applications in which it holds an interest, directly or indirectly, does not exceed 10,240 acres; and that it does not hold more than one lease for each 200 miles of its railroad lines served or to be served from such coal deposits. This last requirement excludes spurs or switches, branch lines built to connect the leased coal with the railroad, and parts of the railroad operated mainly by power not produced by steam.

(d) Aliens may not acquire or hold any direct or indirect interest in leases, except that they may own or control stock in corporations holding leases if the laws of their country do not deny similar or like privileges to citizens of the United States. If any appreciable percentage of stock of a corporation is held by aliens who are citizens of a country denying similar or like privileges to United States citizens, that corporation's application or bid for a lease shall be rejected, and that corporation's lease shall be subject to cancellation.

(e) After August 4, 1986, no lease shall be issued to any applicant or bidder that holds and has held for 10 years any lease from which coal is not being produced, except as authorized under § 3475.4 of this title, in commercial quantities as defined in § 3400.0–5(i)(1) of this title.

(f) In order to qualify for a lease on acquired lands set apart for military and naval purposes, a governmental entity shall show that it produces electrical energy for sale to the public and that it is located in the state where the lands subject to the application or bid are located.

(g) Any applicant for a lease for lands in which the United States has a future interest shall submit documentation that he or she holds, in fee or by lease, the present interest in the coal deposit subject to the application.

§ 3472.1-2 Acreage limitations.

(a)(1) No person, association, or corporation, or any subsidiary, affiliate, or person controlled by or under common control with such person, association, or corporation shall take, hold, own, or control at one time Federal coal leases, lease or lease modification applications, or bids on more than 46,080 acres in any one state and in no case on more than 100,000 acres in the United States.

(2) No person, association, or corporation holding, owning, or controlling leases, lease or lease modification applications or bids (individually or through any subsidiary, affiliate, or person under common control) on more than 100,000 acres in the United States on August 4, 1976, shall be required to relinquish any lease or lease application held on that date. However, it shall not be permitted to hold any additional interests in any further leases or lease applications until such time as its holdings, ownership, or control of leases or applications has been reduced below 100,000 acres within the United States.

(b)(1) In computing acreage held, owned, or controlled, the accountable acreage of a party owning an undivided interest in a lease shall be the party's proportionate part of the total lease acreage. The accountable acreage of a party owning an interest in a corporation or association shall be the party's proportionate part of the corporation's or association's accountable acreage. However, no person shall be charged that person's pro rata share of any acreage holdings of any association or corporation unless that person is the beneficial owner of more than 10 percent of the stock or other instruments of ownership or control of such association or corporation.

(2) On acquired lands, if the United States owns only a fractional interest in the coal resources of the lands involved, only that part of the total acreage involved in the lease, proportionate to the extent of ownership by the United States of the coal resources, shall be charged as acreage holdings. The acreage embraced in a future interest lease is not to be charged as acreage holdings until the lease for the future interest takes effect.

§ 3472.2 Filing of qualification statements.

§ 3472.2-1 Sole party in interest statement.

Every applicant or bidder for a lease or license to mine shall submit to the Bureau of Land Management State Office having jurisdiction over the lands in the application or subject to the bid (43 CFR Subpart 1821) at the time of filing the application or bid a signed statement that the applicant is the sole party in interest in the application or bid, and the lease or license to mine, if issued. If the applicant or bidder is or will not be the sole party in interest, the applicant or bidder shall set forth the names of the other interested parties in the application or bid. A separate or joint statement shall be signed by them and by the applicant or bidder setting forth the nature and extent of the interest of each in the application or bid, the nature of the agreement between them, if oral, and a copy of such agreement if written. Such separate or joint statement of interest and written agreement, if any, or a statement of the nature of such agreement, if oral, shall accompany the application or bid. All interested parties shall furnish evidence of their qualifications to hold such interest in the lease or license to mine including a statement regarding knowledge of written consent from any qualified surface owner for the area involved (43 CFR Part 3427).

§ 3472.2-2 Contents of qualification statement.

(a) If the applicant or bidder is an individual, he shall submit a signed statement setting forth his citizenship with each application or bid for a license to mine or lease.

(b) If the applicant or bidder is an association or partnership, the application or bid shall be accompanied by a certified copy of the articles of association or partnership, together with a statement showing (1) that the association or partnership is authorized to hold a lease or license to mine; (2) that the member or partner executing the lease or license to mine is authorized to act on behalf of the association or partnership in such matters; (3) the names and addresses of all members owning or controlling more than 10 percent of the association or partnership and their citizenship and holdings.

(c) If the applicant or bidder for a lease or license to mine is a corporation, it must submit statements showing (1) the state of incorporation; (2) that the corporation is authorized to hold leases or licenses to mine; (3) the names of the officers authorized to act on behalf of the corporation; (4) the percentage of the corporation voting stock and all of the stock owned by aliens or those having addresses outside of the United States; and (5) the name, address, citizenship, and acreage holdings of any stockholder owning or controlling 10 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or on behalf of aliens, or persons who have addresses outside of the United States, the corporation shall provide their names and addresses, the amount and class of stock held by each such person, and to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person. Any applicant who has previously filed a qualification statement may submit either a serial number reference to the record and office where the statement is filed or a new qualification statement. Applications on behalf of a corporation executed by other than an officer named under subsection (c)(1) of this section shall be accompanied by proof of the signatory's authority to execute the instrument except in a case where an officer of a corporation signs an application on behalf of the corporation.

(d) To qualify as a small business for the purpose of bidding on any tract to be offered as part of a special opportunity lease sale for small businesses, the bidder shall submit evidence demonstrating qualification under 13 CFR 121.

(e) Where there is a legal guardian or trustee, the following shall be provided:

(1) A copy of the court order or other document authorizing the guardian or trustee to act as such and to fulfill in behalf of the ward or beneficiary all obligations of the lease or other obligations arising thereunder; the person submitting any such document shall in some manner indicate its authenticity;

(2) A statement by the guardian or trustee as to his or her citizenship and holdings (of acreage in Federal coal leases) in any capacity; i.e., individually and for the benefit of any person; and

(3) A statement by each ward and beneficiary as to his or her citizenship and holdings; if the ward or beneficiary is a minor, the statement shall be executed for the minor by the guardian or trustee, as appropriate.

§ 3472.2-3 Signature of applicant.

(a) Every application or bid for a lease or license to mine shall be signed by the applicant or bidder or by its attorney-in-fact. If executed by an attorney-in-fact the application or bid shall be accompanied by the power of attorney and the applicant's own statement as to citizenship and acreage holdings unless the power of attorney specifically authorizes and empowers the attorney-in-fact to make such statement or to

execute all statements which may be required under these regulations.

(b) If the application or bid is signed by an attorney-in-fact or agent, it shall be accompanied by:

(i) a statement over the signature of the attorney-in-fact or agent; and

(ii) a separate statement personally signed by the applicant or bidder stating whether there is any agreement or undertaking, written or oral, whereby the attorney-in-fact or agent has or is to receive any interest in the lease, if issued.

§ 3472.2 Special qualifications, heirs, and devisees (estates).

(a) If an applicant or bidder for a license to mine or a lease dies before the license to mine or lease is issued, the license or lease shall be issued: if the estate has not been probated, to the executor or administrator of the estate; if probate has been completed, or is not required, to the heirs or devisees; and if their are minor heirs or devisees, to their legal guardian or trustee.

(b) The lease or license to mine shall not issue until the following information has been filed:

(1) Where probate of the estate has not been completed:

(i) evidence that the person who acts as executor or administrator has the authority to act in that capacity and to act on the application or bid;

(ii) evidence that the heirs or devisees are the heirs or devisees of the deceased applicant or bidder, and are the only heirs or devisees of the deceased; and

(iii) a statement over the signature of each heir or devisee concerning citizenship and holdings.

(2) Where the executor or administrator has been discharged or no probate proceedings are required: (i) a certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the applicant or bidder, and citing the provisions of the law of the deceased's last domicile showing that no probate is required; and (ii) a statement over the signature of each of the heirs or devisees with reference to citizenship and holdings, except that if the heir or devisee is a minor, the statement shall be over the signature of the guardian or trustee.

§ 3472.2-5 Special qualifications, public bodies.

(a) To qualify to bid for a lease on a tract offered for sale under § 3420.1-4 of this title, a public body shall submit:

(1) Evidence of the manner in which it is organized;

(2) Evidence that it is authorized to hold a lease;

(3) A definite plan as described in § 3420.1-4(b) to produce energy within 10 years of issuance of the prospective lease solely for its own use or for sale to its members or customers (except for short-term sales to others); and

(4) Evidence that the definite plan has been duly authorized by its governing body.

(b) To obtain a license to mine, a municipality shall submit with its application:

(1) Evidence of the manner in which it is organized;

(2) Evidence that it is authorized to hold a license to mine; and

(3) Evidence that the action proposed has been duly authorized by its governing body.

(c) To qualify to bid for a lease on a tract of acquired land set apart for military or naval purposes, a governmental entity shall submit:

(1) Evidence of the manner in which it is organized, including the State in which it is located;

(2) Evidence that it is authorized to hold a lease;

(3) Evidence that the action proposed has been duly authorized by its own governing body; and

(4) Evidence that it is producing electricity for sale to the public in the state where the lands to be leased are located.

(d) If the material required in paragraphs (a), (b), or (c) of this section has previously been filed, a reference to the serial number of the record in which it has been filed, together with a statement as to any amendments, shall be accepted.

Subpart 3473—Fees, Rentals, and Royalties

§ 3473.1 Payments.

§ 3473.1-1 Form of payment.

Payments shall be made in cash, or by money order, personal check, certified check, bank draft, or bank cashier's check payable to the Bureau of Land Management or Geological Survey, as appropriate.

§ 3473.1-2 Where paid.

(a) Payments for all licenses to mine shall be paid to the Bureau of Land Management State Office having jurisdiction over the land (43 CFR Subpart 1821).

(b) Payments of all rentals for non-producing leases shall be paid to the Bureau of Land Management State Office having jurisdiction over the land (43 CFR Subpart 1821).

(c) Rentals and royalties on producing leases shall be paid to the Mining Supervisor for the area in which the lands under lease are situated.

§ 3473.1-3 When paid.

First year's rental for preference right leases shall be remitted at the time of filing the applications. First year's rental for competitive leases shall be payable when required by decision. Thereafter, rental for all leases shall be paid in accordance with the lease provisions.

§ 3473.2 Fees.

§ 3473.2-1 General fee provisions.

(a)(1) A filing fee of $250.00 shall accompany each application for a lease, exploration license or lease modification.

(2) Each original application or any renewal application for a license to mine shall be accompanied by a $10.00 filing fee.

(3) A filing fee of $50.00 shall accompany each application for approval of any transfer of a lease or an interest therein.

(b) The fee shall be retained as a service charge even if the application is rejected or withdrawn in whole or in part. An application not accompanied by the filing fee will not be accepted for filing; it will be returned to the applicant without action.

§ 3473.2-2 Exemptions from fee provisions.

No filing fee is required for:

(a) An application for a license to mine filed by a relief agency as described in subpart 3440 of this title; or

(b) Preference right lease applications.

§ 3473.3 Rentals and royalties.

§ 3473.3-1 Rentals.

(a) The annual rental per acre or fraction thereof on any lease issued or readjusted after the promulgation of this subpart shall not be less than $3. The amount of the rental will be specified in the lease.

(b) Until a lease issued before August 4, 1976, is readjusted, the rental paid for any year shall be credited against the production or advance royalties for that year.

(c) On leases issued or readjusted after August 4, 1976, rental payments shall not be credited against royalties.

§ 3473.3-2 Royalties.

(a)(1) Royalty rates shall be determined on an individual case basis prior to lease issuance. For competitive leases, initial royalty rates shall be set out in the notice of lease sale.

(2) A lease shall require payment of a royalty of not less than 12½ percent of the value of the coal removed from a surface mine.

(3) A lease shall require payment of royalty of not less than 8 percent of the value of the coal removed from an underground mine, except that the authorized officer may determine a lesser amount, but in no case less than 5 percent if conditions warrant.

(4) The value of coal removed from a mine is defined for royalty purposes in 30 CFR 211.63.

(b)(1) The Mining Supervisor shall have the discretion, upon the request of the lessee, to authorize the payment of an advance royalty in lieu of continued operation for any particular year.

(2) The advance royalty for each lease shall be based on a percentage of the value of a minimum number of tons of coal, and the percentage shall not be less than the percentage prescribed in that lease for the production royalty. For any lease issued after August 4, 1976, the minimum number of tons shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from the approval date of the mining plan for the LMU of which the lease is a part; for any lease issued before August 4, 1976, the minimum number of tons shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from June 1, 1976.

(3) The use of advance royalties in lieu of continued operation shall not be permitted for more than a total of 10 years during the life of any lease, including the life of the lease after readjustment. The amount of any advance royalties paid on a lease issued or readjusted after August 4, 1976, shall be credited against production royalties, except that no payment of an advance royalty during the first 20 years of a lease issued after August 4, 1976, may be used as credit against production royalty due after the 20th year of that lease.

(4) The Mining Supervisor may, upon notifying the lessee six months in advance, cease to accept advance royalties in lieu of the requirement of continued operation.

(c) An overriding royalty interest or production payment shall not be created by a lease transfer, surface owner consent, or otherwise (1) that exceeds 50 percent of the rate of royalty first payable to the United States under the lease or (2) that, when added to any other overriding royalty interest, exceeds that percentage. Where an interest in the leasehold or operating agreement is transferred, the transferor may retain an overriding royalty in excess of the above limitation if he shows to the satisfaction of the Bureau of Land Management that he has made substantial investments for improvements on the land covered by the transfer that would justify a higher payment.

(d)(1) In order to encourage the greatest ultimate recovery of coal, and in the interest of conservation, the Secretary, whenever he determines it necessary to promote development or finds that the lease cannot be successfully operated under its terms may waive, suspend, or reduce the rental, or reduce the royalty but not advance royalty, on an entire leasehold, or on any deposit, tract, or portion thereof, except that in no case shall the royalty be reduced below 5 percent for underground coal.

(2) An application for any of the above benefits shall be filed in triplicate in the office of the Mining Supervisor. The application shall contain the serial number of the lease, the Bureau of Land Management State Office, the name of the record title holder and any operator or sublessee, and the description of the lands in the manner provided by § 3471.1 of this title.

(i) Each application shall include the number and location of the mine, a map showing the extent of the mining operations, a tabulated statement of the coal mined and subject to royalty for each month covering a period of not less than 12 months immediately prior to the date of filing of the application, and the average production per day mined for each month, with complete information as to why the minimum production or continued operation requirement was not met.

(ii) Each application shall contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of coal, and all facts indicating whether the mines can be successfully operated upon the royalty or rental fixed in the lease. Where the application is for a reduction in royalty, full information shall be furnished as to whether royalties or payments out of production are paid to parties other than the United States, the amounts so paid, and efforts made to reduce them, if any.

(iii) The applicant shall also file a copy of agreements between the lessee and the holders of any royalty interests to a permanent reduction of all other royalties from the leasehold so that the total royalties owed the holders of royalty interests will not be in excess of one-half of the Government royalties, should the royalty reduction be granted.

§ 3473.4 Suspension of operations, production, and payment obligations.

(a) Application by a lessee for relief from any operating and producing requirements of a lease shall be filed in triplicate in the office of the Mining Supervisor. The Mining Supervisor is authorized to act on applications for suspension of operations or production, or both, filed pursuant to this section and to terminate suspensions of this kind which have been or may be granted.

(b) The term of any lease shall be extended by adding thereto any period of suspension of all operations and production during such term in accordance with any direction or assent of the Mining Supervisor.

(c) A suspension shall take effect as of the time specified in the direction or assent of the Mining Supervisor. Rental and minimum royalty payments will be suspended during such period of suspension of all operations and production, beginning with the first day of the lease month on which the suspension of operations and production becomes effective. If the suspension of operations and production becomes effective on any date other than the first day of the lease month, rental and minimum royalty payments shall be suspended beginning with the first day of the lease month following such effective date. The suspension of rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit shall be allowed on the next rental or royalty due under the lease.

(d) The minimum annual production requirements of a lease shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Secretary in the interest of conservation.

(e) A suspension under this section affects only the operating and producing requirements of the lease, it does not suspend the permit and the lessee's reclamation obligations under it.

Subpart 3474—Bonds

§ 3474.1 Bonding requirements.

(a) Before a lease may be issued, one of the following forms of lease bond shall be furnished:

(1) Corporate surety bonds;

(2) Cash; or

(3) Personal lease bonds secured by negotiable U.S. bonds of a par value equal to the amount of the required

surety bond, together with a power of attorney executed on a form approved by the Director.

(b) The applicant or bidder shall file the lease bond in the proper office within 30 days of receiving notice. The lease bond shall be furnished on a form approved by the Director.

(c) The bonding obligation for a new lease may be met by an adjustment to an existing bond covering another lease within the same logical mining unit.

§ 3474.2 Type of bond required.

(a) A lease bond for each lease, conditioned upon compliance with all terms and conditions of the lease except reclamation, shall be furnished in the amount determined by the authorized officer. The amount of the bond may be changed if the authorized officer considers such a change to be proper and necessary.

(b) For exploration licenses, a bond must be furnished in accordance with § 3410.3–7 of this title.

§ 3474.3 Bond conversions.

(a) The authorized officer shall notify those leaseholders who have nationwide or statewide bonds at the time of issuance of this subpart of the requirement to secure a separate lease bond for each lease in the amount determined by the authorized officer to be proper and necessary.

(b) The authorized officer may release that amount of any outstanding lease bond which relates to the performance of mining and reclamation plan permit obligations.

(c) Upon approval of a logical unit mining including more than one Federal lease, the lease bonds shall be consolidated into a single bond for the leases in the LMU.

§ 3474.4 Qualified sureties.

A list of companies holding certificates of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–14) as acceptable sureties on Federal bonds is published annually in the Federal Register.

§ 3474.5 Default.

When the surety makes payment to the Government of any indebtedness due under a lease, the face amount of the surety bond and the surety's liability thereunder shall be reduced by the amount of such payment.

§ 3474.6 Termination of the period of liability.

The authorized officer shall not consent to termination of the period of liability under the lease bond unless an acceptable substitute bond has been filed or until all terms and conditions of the lease have been fulfilled.

Subpart 3475—Lease Terms

§ 3475.1 Duration of leases.

Leases shall be issued for a period of 20 years and so long thereafter as the condition of continued operation is met. If the condition of continued operation is not met the lease shall be cancelled as provided in § 3452.2 of this title.

§ 3475.2 Dating of leases.

(a) Leases will be dated and made effective the first day of the month following the date signed by the authorized officer. However, upon receipt of a prior written request, the authorized officer may date a lease to be effective on the first day of the month in which it is signed.

(b) Future interest leases shall become effective on the date of vesting of title to the minerals in the United States as stated in the lease.

§ 3475.3 Land description.

Compliance with § 3471.1 of this title is required.

§ 3475.4 Diligent development and continued operation.

(a) Each lease shall require (1) diligent development, and (2) either (i) continued operation except when operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee, or (ii) in lieu thereof, when the Secretary determines that the public interest will be served, payment of an advance royalty as described in § 3473.3–2(b) of this title.

(b) For coal leases issued before August 4, 1976, the 10 lease-year period for achieving diligent development may be increased as follows:

(1) Upon application by the lessee, the 10 lease-year period shall be extended by an amount of time equal to the period during which diligent development is, in the opinion of the Secretary, significantly impaired by (i) a strike, the elements, or casualties not attributable to the lessee, (ii) an administrative delay in the Department which is not caused by the lessee's action, and (iii) extraordinary circumstances not attributable to the lessee and not foreseeable by a reasonably prudent operator. In determining whether any of the conditions listed in subdivisions (i), (ii), or (iii) of this paragraph occurred and whether one or more of those conditions did, in fact, significantly impair diligent development, the Secretary's finding shall be final. The Secretary shall, however, not find to be an extraordinary circumstance under subdivision (iii) any condition arising out of normally foreseeable business risks such as: fluctuations in prices, sales, or costs, including foreseeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales.

(2) Upon application by the lessee, the Secretary may grant one extension, not exceeding five years, of the 10 lease-year period because of (i) time needed to complete development of advanced technology, e.g., in situ, gasification or liquefaction processes; (ii) the magnitude of the project (ordinarily magnitude means a mine in which the production in the first year after the end of the extended period for diligent development is expected to be at least two million tons if an underground mining operation or five million tons if a surface mining operation); or (iii) a contract which is a firm commitment for the sale or use of the first one-fortieth of the LMU reserves after the 10-year period. Regardless of the reason for granting an extension, the lessee shall produce the first one-fortieth of the LMU reserves before the end of the extended term.

(c) At the time when the Secretary grants an extension under paragraphs (a) and (b) of this section, the lessee shall be notified of the revised date by which coal shall be produced in commercial quantities.

§ 3475.5 Logical mining unit.

(a) Criteria for approving or directing establishment of an LMU containing more than a single Federal lease shall be established and applied by the Geological Survey. Each lease shall automatically be considered to constitute an LMU on the effective date of the lease or June 1, 1976, whichever is later. The lease LMU may, at a later date, be enlarged by the addition of other Federal leases or with interests in non-Federal coal deposits, or both. An LMU containing any interest other than a single Federal lease shall become effective only at the direction of the Mining Supervisor, or by designation during the normal tract delineation phase of the coal activity planning process, or upon its approval by the Mining Supervisor when requested by the lessee. The Mining Supervisor shall not direct or approve the establishment of such an LMU unless it is determined that the maximum economic recovery of all Federal coal deposits in the LMU will be achieved. The boundaries of an LMU may later be changed either upon

application by the lessee and with the approval of the Mining Supervisor after consultation with the authorized officer, or by direction of the Mining Supervisor after consultation with the authorized officer.

(b) When a lease is included in an LMU with other Federal leases or with interests in non-Federal coal deposits, the terms and conditions of the Federal lease or leases shall be amended so that they are consistent with the requirements imposed on the LMU of which it has become a part. In particular, diligent development, continued operation, and production in commercial quantities anywhere within the LMU, with respect to either Federal or non-Federal coal deposits, shall be considered to have occurred on each Federal lease in the LMU. The rental and royalty payments of all Federal leases in an LMU shall be combined, and advance royalties paid on any Federal lease in that LMU may, at the request of the lessee, be credited against those combined royalties.

(c) If, under the provisions of § 3452.1, the authorized officer accepts the relinquishment of any coal deposits in a lease, the LMU reserves shall be adjusted. When the Mining Supervisor is determining the LMU reserves, the lessee shall be consulted about any coal deposits subject to the lease which the lessee does not intend to mine. The lessee shall also be consulted about the rights the lessee is prepared to surrender to decrease the LMU reserves upon which the requirements of diligent development, continued operation, and production in commercial quantities will be based.

PART 3041 [Deleted]

PARTS 211 and 3460 [Amended]

2. 43 CFR Part 3041 is deleted in its entirety. These provisions are transferred to 30 CFR Chapter VII, 30 CFR Part 211, and 43 CFR Part 3460.

§ 3500.0–3 [Amended]

3. 43 CFR 3500.0–3 is amended by the deletion of paragraph (a)(1) and the renumbering of paragraphs "(a)(2)" through "(a)(6)" as "(a)(1)" through "(a)(5)", respectively.

§ 3500.0–5 [Amended]

4. 43 CFR 3500.0–5 is amended by the deletion of subsections (d) through (i).

§ 3500.1–1 [Amended]

5. 43 CFR 3500.1–1 is amended by the deletion of "coal;" wherever that word appears.

§ 3500.1–3 [Amended]

6. 43 CFR 3500.1–3(c)(1) and (f) are amended by the deletion of "coal,".

§ 3501.1–3 [Amended]

7. 43 CFR 3501.1–3, introductory text, is amended by the deletion of "; except for coal cases where noncontiguous tracts can be efficiently worked as a single mine or unit".

§ 3501.1–4 [Amended]

8. 43 CFR 3501.1–4 is amended by the deletion of paragraph (b)(1) and the renumbering of paragraphs "(b)(2)" through "(b)(6)" as "(b)(1)" through "(b)(5)", respectively.

§ 3501.1–5 [Amended]

§ 3501.2–1 [Amended]

9. 43 CFR 3501.1–5 and 3501.2–1 are amended by the deletion of "(a) *All leasable minerals except coal.* ", and by the deletion of paragraph (b) in its entirety. Subparagraphs (1)–(5) of 3501.1–5 are redesignated as new paragraphs (a)–(e) respectively, and subparagraphs (1)–(7) of 3501.2–1 are redesignated as new paragraphs (a)–(g) respectively.

§ 3501.2–3 [Amended]

10. 43 CFR 3501.2–3(a) is amended by the deletion of the word "coal".

§ 3501.3–2 [Amended]

11. 43 CFR 3501.3–2(b)(2) is amended by the deletion of subparagraph (i) and the renumbering of subparagraphs "(2)(ii)" through "(2)(v)" as "(2)(i)" through "(2)(iv)", respectively.

§ 3502.1–1 [Amended]

12. 43 CFR 3502.1–1 is amended by the deletion of subsection (c).

13. 43 CFR 3502.2 is amended by the revision of section 3502.2–2 to read as follows:

§ 3502.2 Individuals—Statement of citizenship.

If the applicant is an individual, he must submit with each application for permit or lease a statement over his own signature setting forth the applicant's citizenship.

§ 3502.9 [Deleted]

14. 43 CFR 3502.9 is deleted in its entirety.

§ 3503.2–2 [Amended]

15. 43 CFR 3503.2–2 is amended by the deletion of subsection (a) and the deletion of "(b)".

§ 3503.3–1 [Amended]

16. 43 CFR 3503.3–1(b) is amended by the deletion of paragraph (1) and the renumbering of paragraphs "(b)(2)" through "(b)(6)" as "(b)(1)" through "(b)(5)", respectively.

§ 3503.3–2 [Amended]

17. 43 CFR 3503.3–2(b) is amended by the deletion of paragraph (1) and the renumbering of paragraphs "(b)(2)" and "(b)(3)" as "(b)(1)" and "(b)(2)", respectively.

18. 43 CFR 3503.3–2(c)(3) is amended by the deletion of subparagraph (i) in its entirety and the redesignation of subparagraph (c)(3)(ii) as paragraph (c)(3) to begin:

(c) * * *

(3) *Exception—Phosphate.* * * *

19. 43 CFR 3503.3–2(d)(1), .3–2(d)(2), .3–2(d)(2)(i), and .3–2(e)(5) are amended by the deletion of "coal,".

§ 3503.3–3 [Deleted]

20. 43 CFR 3503.3–3 is deleted in its entirety.

§ 3504.2–1 [Amended]

21. 43 CFR 3504.2–1(b)(1) is amended by the deletion of "not less than $1,000 for coal leases;".

§ 3504.5–1 [Amended]

22. 43 CFR 3504.5–1, .6–1, and .7–1 are amended by the deletion of "coal,".

§§ 3507.0–1—3507.5 [Subpart 3507] [Deleted]

23. 43 CFR Subpart 3507 is deleted in its entirety. These provisions are transferred to 43 CFR Subpart 3410.

§ 3511.4–4 [Deleted]

24. 43 CFR 3511.4–4 is deleted in its entirety.

§ 3520.0–3 [Amended]

25. The second sentence of 43 CFR 3520.0–3(a) is amended by substituting "Group 3400" for "Subpart 3525".

§ 3520.1–1 [Amended]

26. 43 CFR 3520.1–1(a) is amended by the deletion of "*Coal,*" and the deletion of ", or for a prospecting permit issued for coal, if the permittee shows to the Secretary that he discovered commercial quantities of coal".

27. 43 CFR 3520.1–1(c) is amended by deleting the words "and *commercial quantities*" from the caption, and by deleting the words "commercial quantities of coal or" from the first sentence.

§ 3520.2–1 [Amended]

28. 43 CFR 3520.2–1 is amended by the deletion of paragraph (a)(3).

§ 3520.2–5 [Deleted]

29. 43 CFR 3520.2–5 and 3520.2–6 are deleted in their entirety.

§ 3521.1-1 [Amended]

30. The sixth sentence of 43 CFR 3521.1-1(b)(1) is amended to read as follows: "Data submittals shall include, at a minimum, average grade of the ore."

31. 43 CFR 3521.1-1(c)(4) is amended by the deletion of "as part of a logical mining unit".

32. 43 CFR 3521.1-1(e) is amended to read as follows:

(e) *Amount of detail required.* The information submitted by the permittee shall be sufficient to enable the authorized officer to ascertain whether the permittee's showing has a reasonable factual basis and supports his assertion that:

(1) He has found a valuable deposit of the minerals covered by the permit; and

(2) The land is chiefly valuable for the mineral deposit if the permit was issued for sodium, sulphur, or potassium.

33. 43 CFR 3521.1-1(h)(1) is amended to read as follows:

(1) That the permittee has presented information that has a reasonable factual basis, and that the information supports the permittee's assertion that:

(i) he has found a valuable deposit of the mineral covered by the permit; and

(ii) if the permit was issued for sodium, sulphur or potassium, that the land is chiefly valuable for the mineral deposit; and

34. 43 CFR 3521.1-1(i) is amended by the deletion of paragraph (1); by renumbering paragraph "(2)" as "(1)", and deleting from it "if the permit was issued for a mineral other than coal"; and by renumbering paragraph "(3)" as "(2)".

§ 3521.1-1 [Amended]

35. 43 CFR 3521.1-1(j)(3) is amended to read as follows:

(3) At the hearing the permittee shall have both the burden of going forward and the burden of proof, and must show by a preponderance of the evidence that he has discovered a valuable deposit of the minerals, and if his application is for a sodium, sulphur or potassium lease, that the land is chiefly valuable for the mineral deposit discovered.

§ 3521.2-1 [Amended]

36. 43 CFR 3521.2-1(a)(1)(i) is amended by the deletion of the sentence: "Competitive coal lease applications will be accepted only as authorized by 43 CFR Subpart 3525."

§ 3522.2-1 [Amended]

37. 43 CFR 3522.2-1 is amended by the deletion of "(a)" and the deletion of subsection (b) in its entirety.

§ 3523.2-1 [Amended]

38. 43 CFR 3523.2-1(b) is amended by deleting paragraph (1) in its entirety, by deleting the designation "(i)" in subparagraph (2), and by redesignating the remainder of subparagraph (2) as paragraph (b) to begin as follows:

(b) Exception—Solide (Hardrock) minerals—Default. Except as provided.
* * *

§ 3524.2 [Deleted]

§ 3524.2-1 [Deleted]

39. 43 CFR 3524.2 and 3524.2-1 are deleted in their entirety.

§ 3524.3 [Redesignated]

§ 3524.3-1 [Redesignated]

40. 43 CFR 3524.3 and 3524.3-1 are renumbered as "3524.2" and "3524.2-1", respectively.

Subpart 3525 [Deleted]

41.43 CFR Subpart 3525 is deleted in its entirety.

§ 3526.0-1 [Amended]

42. 43 CFR 3526.0-1 is amended by the deletion of "or for the grant of a certificate of bidding rights as herein defined and usable in competitive coal lease sale, and/or the grant of modifications to an existing coal lease or coal leases adding contiguous coal lands or deposits,".

§ 3526.0-3 [Amended]

43. 43 CFR 3526.0-3(f) is deleted in its entirety.

§ 3526.0-5 [Deleted]

44. 43 CFR 3526.0-5 is deleted in its entirety.

45. A new section 43 CFR 3526.0-7 is added to read as follows:

§ 3526.0-7 Scope.

(a) 43 CFR Subpart 3435 contains the parallel provisions related to exchanges involving the issuance of coal leases, coal lease bidding rights or coal lease modifications. Regulations in both of these two subparts may be used in an inter-mineral exchange.

(b) In the case of any conflict between this subpart and the regulations in 43 CFR Subpart 3435, the provisions governing the lease or lease interests to be issued shall control.

§ 3526.1 [Amended]

46. 43 CFR 3526.1 (a) and (b) are amended by the deletion of ", coal bidding rights, or grants of coal lease modifications".

§ 3526.2 [Amended]

47. 43 CFR 3526.2(a)(3) is amended by the deletion of ", or grant of coal lease modifications."

48. 43 CFR 3526.2(b) is amended by the deletion of "or commercial quantities of coal".

49. 43 CFR 3526.2(c) is amended by the deletion of the designation "(1)", and by the deletion of subparagraphs (2) and (3) in their entirety.

50. 43 CFR 3526.2(d)(1) is amended by the deletion of the last sentence reading, "Coal lands or deposits may only be considered where suitable for addition to existing coal leases under the Secretary's authority to modify coal leases."

51. 43 CFR 3526.2(e) is amended by the deletion of the word *"coal"*.

52. 43 CFR 3526.2(f) is amended by the deletion of "or other terms regarding coal leases" and by the deletion of "or coal lease modification".

3526.3-1 [Amended]

53. 43 CFR 3526.3-1(a) is amended by the deletion of "or coal lease modifications" and the deletion of "or modified coal lease".

54. 43 CFR 3526.3-1(b)(3) is amended by the deletion of "or modified coal lease".

§ 3526.3-2 [Deleted]

55. 43 CFR 3526.3-2 is deleted in its entirety.

Subpart 3530 [Deleted]

56. 43 CFR Subpart 3530 is deleted in its entirety. Its provisions have been transferred to 43 CFR Subpart 3440.

§ 3550.1-1 [Amended]

57. The caption of 43 CFR 3550.1-1(a)(1) is amended to read, *"Leasable minerals other than oil and gas and coal."*

§ 3563.1-1 [Amended]

§ 3564.1 [Amended]

58. 43 CFR 3563.1-1 and 3564.1 are amended by the deletion of "coal,".

§ 3564.6 [Amended]

59. 43 CFR 3564.6 is amended by the deletion of "coal in Part 211 and to".

60. The second sentence of 43 CFR 3564.6 is amended to read, "Leases for minerals subject to this subpart not listed in the preceding sentence will be governed by the operating regulations in 30 CFR Part 231.

§ 3565.0-3 [Amended]

61. 43 CFR 3565.0-3 is amended by the deletion of "coal,".

§ 3566.2 [Amended]

62. In 43 CFR 3566.2, "30 CFR Part 211" is amended to read "30 CFR 231".

§ 3568.2-2 [Amended]

63. 43 CFR 3568.2–2 is amended by the deletion of "coal,".

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