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Thursday
August 23, 1979

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49488 **Minority Businesses** Commerce/MBEO solicits applications for two grant projects

49451 **Income Tax** Treasury/IRS issues rules concerning reporting requirements for income tax return preparers

49446 **Income Tax** Treasury/IRS issues rule concerning depreciation of property attributable to rehabilitation expenditures incurred with respect to low-income rental housing

49445 **Income Tax** Treasury/IRS issues rules concerning distribution of electing small business corporations

49479 **Improving Government Regulations** CSA publishes supplement to semi-annual agenda

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49538 **Railroad Retirement Supplemental Annuity Program** RRB makes determination of quarterly rate of excise tax

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 626 and Valencia Orange Reg. 625, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 24–30, 1979, and increases the quantity of such oranges that may be so shipped during the period August 17–23, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective August 24, 1979, and the amendment is effective for the period August 17–23, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are 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 by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on August 21, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges has shown some slight improvement.

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

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.

1. § 908.926 Valencia Orange Regulation 626.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 24, 1979, through August 30, 1979, are established as follows:

(1) District 1: 297,000 cartons;
(2) District 2: 253,000 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.

2. Paragraph (a)(1) and (2) in § 908.925 Valencia Orange Regulation 625 (44 FR 47917), is hereby amended to read:

(1) District 1: 292,000 cartons;
(2) District 2: 258,000 cartons.

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

Dated: August 22, 1979

D. S. Kuryloski,

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

[FR Doc. 79-26505 Filed 8-22-79; 11:09 am]

BILLING CODE 3410-02-M

7 CFR Part 924

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oreg.; Issuance of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule exempts designated handlers from inspection and certification requirements of this order under a waiver of inspection procedure. This is designed to provide for orderly marketing in the interests of producers and consumers.

EFFECTIVE DATE: August 20, 1979.

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

SUPPLEMENTARY INFORMATION: On July 29, 1979, notice of proposed rulemaking was published in the **Federal Register** (44 FR 43286), regarding a proposed waiver of inspection rule to be made effective under the marketing agreement, as amended, and Order No. 924, as amended (7 CFR Part 924), regulating the handling of prunes grown in designated counties in Washington and in Umatilla County, Oregon. This notice allowed interested persons until August 8, 1979, to file written comments pertaining to this proposed rule. None was submitted. The rule was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order.

This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendations of the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the need to grant certain handlers waivers of inspection and certification. Some handlers are located in areas remote from inspection offices. They would be eligible for a waiver if an inspector is not readily available. Fresh prunes are perishable, with the waiver needed to facilitate prompt marketing.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the rule, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this rule was published in the **Federal Register** (44 FR 43286), and no objection to this rule was received; and (2) compliance with the rule will not require any special preparation on the part of the person subject thereto which cannot be completed by the effective time hereof.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044. A determination has been made that this action should not be classified "significant". An Impact Statement has been prepared and is available from Malvin E. McGaha, (202) 447–5975.

Accordingly, a new § 924.110 is added to read as follows:

§ 924.110 Waiver of Inspection and Certification.

(a) *Application.* Any handler (including a grower-handler packing and handling prunes of such handler's own production), whose packing facilities are located in an area where either a Washington State Plant Industry Division Inspection Office or Oregon State Plant Industry Inspection Office or Federal-State Inspector is not readily available to perform the required inspection may, prior to shipment, apply to the Committee for a permit authorizing a waiver of inspection. Applications shall be made on forms furnished by the Committee and shall contain such information as the Committee may require including: Name and address of applicant, location of packing facility, distance of packing facility from the nearest inspection office, period (approximate beginning and ending dates) during which the applicant expects to ship to fresh market during the period, manner in which the majority of applicant's fruit will be marketed (i.e., transported by applicant to market, sold at orchard to truckers, etc.), areas or markets to which the applicant expects to ship the majority of the prunes. The application shall also contain an agreement by applicant

(1) not to ship or handle any prunes unless such prunes meet the grade, size, maturity, container, and all other requirements of the marketing agreement and order in effect at time of handling;

(2) to report periodically to the Committee on reporting forms furnished by the Committee, the following information on each shipment: quantity, variety, grade, minimum size, container, date of shipment, destination, name and address of buyer or receiver, and such other information as the Committee may specify;

(3) to pay applicable assessments on each shipment;

(4) to have or cause to have each shipment of prunes inspected when such shipment is transported to a market or through a location enroute to market where an inspector is available; and

(5) to comply with such other safeguards as the Committee may prescribe.

(b) *Issuance of Permit.* Whenever the Committee finds and determines from the information contained in the application or from other proof satisfactory to the Committee that the applicant is entitled to a waiver from the inspection requirements of the marketing agreement and order at time of shipment, the Committee shall issue a permit authorizing the applicant to ship prunes in accordance with these administrative regulations and the terms and conditions of such permit.

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

Dated: August 20, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-26229 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1099

[Milk Order No. 99; Docket No. AO-183-A36]

Milk in the Paducah, Ky., 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 June 22, 1979. The amended order will allow more milk to move directly from farms to manufacturing plants when not needed for fluid milk (bottling) uses. These changes are needed to reflect current marketing conditions and to permit added efficiencies in disposing of the market's reserve milk supplies.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, 202–447–4829.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued June 4, 1979; published June 7, 1979 (44 FR 32708).

Recommended Decision—Issued July 20, 1979; published July 25, 1979 (44 FR 43477).

Final Decision—Issued August 14, 1979; published August 20, 1979.

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth below.

(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 Paducah, Kentucky, 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) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1979. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Acting Deputy Administrator, Marketing Program Operations, was issued July 20, 1979, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 14, 1979. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1979, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C 551–559.)

(c) *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 of the order amending the order is approved or 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 Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1099.13, paragraphs (c)(2) and (c)(3) are revised to read as follows:

§ 1099.13 Producer milk.

* * * * *

(c) * * *

(2) If diverted by a cooperative association for its account as milk of its members to nonpool plants which does not exceed 33 percent of the milk physically received from member producers of such cooperative association at pool plants during the month in any of the months of April through August and December and 25 percent in other months, except that if milk of members is diverted by the cooperative association in excess of the specified percentages, no milk diverted by the cooperative association during the month shall be producer milk unless the cooperative association designates the dairy farmers whose milk is not producer milk;

(3) If diverted by a handler in his capacity as the operator of a pool plant, as milk of a producer who is not a member of a cooperative association diverting milk pursuant to paragraph (c)(2) of this section, which does not exceed 33 percent of the aggregate quantity of milk received at such plant from such nonmember producers during the month in any of the months of April through August and December and 25 percent in other months, except that if milk of nonmember producers is diverted by the handler in excess of the specified percentages, no milk diverted by the handler during the month shall be producer milk unless the handler designates the dairy farmers whose milk is not producer milk; and

* * * * *

(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: August 20, 1979.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 79-26227 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR 1435

Price Support for 1979 Crop Sugarbeets and Sugarcane

Correction

In FR Doc. 79–23721, published at page 45596, on Friday, August 3, 1979, the following correction should be made:

On page 45596, in the first column, "EFFECTIVE DATE: August 31, 1979." should be corrected to read "EFFECTIVE DATE: August 3, 1979.".

BILLING CODE 1505-01-M

7 CFR Part 1491

Intermediate Credit Export Sales Program for Breeding Animals; Financing Export Sales of Breeding Animals (GSM-201)

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule sets forth the terms and conditions of Commodity Credit Corporation (CCC) Intermediate Credit Export Sales Program (GSM–201) to finance export sales of breeding animals, including the cost of freight, from the United States to importing countries.

The rule authorizes CCC to enter into financing agreements with U.S. exporters of breeding animals who sell on credit terms for periods in excess of three years but not more than ten years. More specifically, CCC will purchase the U.S. exporter's account receivable, after the breeding animals have been delivered and an irrevocable letter of credit has been established in favor of CCC by the foreign buyer, for the export value of the animals to be financed.

The rule is intended to develop, expand or maintain the importing country as a foreign market, on a long term basis, for the commercial sale and export of U.S. agricultural commodities without displacing normal U.S. commercial sales or to improve the capability of the importing nation to purchase and use, on a long-term basis, U.S. agricultural commodities.

EFFECTIVE DATE: August 23, 1979.

FOR FURTHER INFORMATION CONTACT:
L. T. McElvain, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW, Washington, DC 20250, telephone (202) 447-3224.

SUPPLEMENTARY INFORMATION: On April 4, 1979, there was published in the **Federal Register** (44 FR 20164), and corrected on April 17, 1979 (44 FR 22746), a notice of proposed rulemaking setting forth the proposed Intermediate Credit Export Sales Program regulations for breeding animals. Written comments were received from 16 commentators. A general discussion of these comments follow:

General Comments

1. Eight commentators raised no objections to the proposal and recognized the proposal as an important instrument in facilitating the export of breeding animals. One of these commentators represented six purebred dairy cattle associations and 17 beef cattle breed registry organizations.

2. Two commentators suggested that financing in excess of three years could have the effect of encouraging credit competition since the proposed credit terms would exceed those called for by the Berne Union Sector Agreement On Breeding Cattle.

CCC is aware that the Berne Union Sector Agreement obligates adherents not to extend credit terms in excess of three years. Since neither CCC nor the Department of Agriculture is a party to the Berne Union Sector Agreement, neither has a legal obligation to follow its terms. It is the opinion of CCC that intermediate credit can be used to effectively develop and expand foreign markets on a long-term basis for U.S. agricultural commodities without encouraging credit competition.

3. One commentator implied that the proposal would permit the cattle credit terms to be applied to all animals even though conditions would not warrant extension of such credit terms to other animals.

The proposal is not intended to provide all animals with the same credit terms. Before granting any extension of credit under the proposal, careful consideration would be given to the type of animal to be financed and the country of destination in order to determine if financing will help facilitate the exportation of such breeding animals. However, since the credit terms could vary depending on the circumstances that might be involved, it would not be practical to include in the rule the specific credit terms that would apply to each type of breeding animal to be financed.

4. Three commentators recommended that specifications and criteria for exporting horses be included as a supplement to the proposal. The proposed rule now includes supplements for beef breeding cattle, dairy breeding cattle, and breeding swine. The commentators' suggestion is now under review by the Department.

5. One commentator suggested that freight cost should not be financed under the program since such cost can represent a disproportionate amount of the total contract value. Further, this commentator suggested that if freight is financed, such financing should be limited to not more than 20 percent of the total contract price.

Freight can represent a large part of the total contract price in the export sale of breeding animals. For this very reason, CCC feels that the financing of freight will help expand U.S. exports of cattle and thereby strengthen markets for other agricultural commodities abroad. CCC further believes that the financing of freight should not be limited to 20 percent of the freight cost but that CCC should be allowed to make a determination on a case by case basis as to the amount of freight to finance depending on the circumstances of each case.

6. One commentator suggested that the proposed definition of "eligible exporter" or "exporter" included only commodity brokers or agents and did not apply to registered cattle breeders.

It was not clear as to why this commentator felt that registered cattle breeders could not qualify as eligible exporters. In any event, the proposed definition is not intended to exclude registered cattle breeders as exporters under the program.

7. One commentator stated that the definition of "export value" expressly prevented consideration of transportation costs. It is the opinion of CCC that the proposed definition of "export value" does provide that CCC may finance freight and this point is made explicitly clear in the revision of § 1491.2(k) of the final rule.

Specific Comments Applicable to Supplement I

8. One commentator suggested that the maximum port value to be considered for financing reflect the prevailing purebred domestic cattle market, even to the extent of a specific breed.

The reason the maximum port value to be considered for financing was not published in the proposed rule was because CCC recognized that breeding cattle markets were subject to change. It was thought, therefore, that reasonable port values could be established on the basis of current market values of the animals which would be set forth in USDA announcements. CCC feels this can be accomplished without applying separate port values according to specific beef breeds.

9. One commentator recommended that the beef breed "Charbray" and another commentator recommended that the beef breed "Beefalo" be added to the list of eligible registered breeds under Supplement I to the proposed rule.

CCC has accepted these comments since both breeds have registry associations in the United States. Accordingly, Exhibits I and II to Supplement I have been amended to include the beef breeds "Charbray" and Beefalo".

10. One comment was received urging that the minimum conformation requirements be dropped from the proposal for beef breeding cattle and not equated to feeder cattle standards since the appearance and condition of the animals should be acceptable to the purchaser and suited for his needs.

This suggestion was not accepted since the official USDA feeder cattle standards conformation is determined by appraising the development of the muscular system in relation to the development of the skeletal system. Breeding cattle do vary in this respect and it is an important factor affecting the ultimate yield of lean meat in a beef carcass. Also, most performance testing programs, where conformation is evaluated, are based on the official United States Standards for Grades of Feeder Cattle. For these reasons, CCC feels that minimum conformation requirements should be included in Supplement I for beef breeding cattle.

11. One comment was received suggesting the minimum performance standards contained in the proposal were too low and such standards should be based upon recommendations from the Beef Improvement Federation.

CCC acknowledges that the minimum performance requirements are low for large frame, late maturing breeds of cattle. However, its inclusion in export specifications apprises buyers of the fact that performance records are available on breeding cattle in the U.S. and, therefore, allows them to purchase cattle with superior performance if desired. Also, as indicated in Supplement I, higher port values may be allowed for cattle if performance has exceeded the performance records specified in Exhibits I and II. Finally, the Beef Improvement Federation has not established minimum performance

standards. In view of the foregoing, CCC does not feel that a change in the minimum performance standards is warranted at this time.

Specific Comments Applicable To Supplement III

12. It was suggested that identification numbers not be required for each parent and grandparent of nonpurebred swine in order for the animal to be exported since some crossbreeding programs are identified by pedigree lineage and not individual animal ancestry.

This suggestion was not accepted by CCC since other non-pure-bred breeders have indicated they can meet the proposed requirements. CCC also feels that since the purpose of the program is to export a breeding type animal that can be used to build herds in the importing country, an animal should not be exported as breeding swine unless the litter in which the pig was born, as well as the dam and sire, are identified. To accomplish this objective, CCC feels it would be important to identify the individual animal ancestry of the animal to be exported.

13. It was suggested that the provisions covering non-purebred animals should be changed since such animals are not necessarily owned by the exporter at the time the animal is born or bred because some breeding programs conducted by the swine industry utilize contractual arrangements giving the exporter control and rights to such animal but not necessarily ownership.

CCC has concluded that this suggestion should be accepted since this type of breeding program is considered a legitimate practice within the non-purebred swine industry. Therefore, the definition of "Breeder" in paragraph A 3 of Supplement III, has been changed to read as follows: "Breeder means the person holding legal title to the registered or nonpurebred female animal or having contractual rights to a non-purebred female at the time she was bred to qualify such animal hereunder as a bred female." Also, paragraph A 5(a) of Supplement III has been changed to read as follows: "The exporter must have been the producer of the animal or had contractual rights to the animal; or the parents or grandparents of the animal must have been owned by the exporter at the time the animal was born."

14. Finally, it was suggested that requirements of minimum age, weight, and litter size of non-purebred animals should be left to the discretion of the breeder and the foreign customer and, therefore, should be deleted from the Supplement.

CCC disagrees with this comment since it is important that an animal has been weaned and is able to withstand the stresses of shipment and a new environment. However, CCC does feel that the minimum age and weight requirement as proposed could be lowered for unbred females and boar pigs. Accordingly, the minimum age requirement for an unbred female under Option B of Exhibit I to Supplement III has been changed from "10 weeks to 7 months" to "8 weeks to 8 months" for unbred females and the minimum age for boar pigs under Option B of Exhibit II has been changed from "10–16 weeks" to "8–16 weeks". The minimum weights under footnotes 4 and 7 for female and boar pigs respectively, have been reduced from 60 pounds to 40 pounds. With respect to the litter size as required by paragraph C of Exhibits I and II of Supplement III, CCC feels that an eligible female or boar, whether registered or non-purebred, should be from a minimum litter size of at least seven pigs. This is not a difficult requirement to meet and should be maintained to assure productive and sound breeding animals to be sold abroad.

Accordingly, 7 CFR, Chapter XIV, Commodity Credit Corporation, Subchapter C—Export Programs, is amended by adding a new part 1491—CCC Intermediate Credit Export Program for Breeding Animals—as set forth below.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An approved Final Impact Statement is available from L. T. McElvain, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 447–3224.

Issued at Washington, D.C. this August 13th 1979.

Kelly Harrison,

Vice President, Commodity Credit Corporation, and General Sales Manager, Office of the General Sales Manager.

PART 1491—CCC INTERMEDIATE CREDIT EXPORT SALES PROGRAM FOR BREEDING ANIMALS

Subpart—Financing Export Sales of Breeding Animals Under CCC (GSM-201)

General

Sec.
1491.1 General statement.
1491.2 Definition of terms.

Financing Export Sales

1491.3 General.
1491.4 Submission of requests for sale registrations.
1491.5 Acceptance of sale registrations.
1491.6 Amendments to financing agreements.
1491.7 Expiration of period(s) for delivery.

Documents Required for Financing

1491.8 Documents required after delivery.
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Entry Into Country of Destination

1491.10 Failure to enter.
1491.11 Liquidated damages.

Bank Obligations and Payment

1491.12 Coverage of bank obligations.
1491.13 CCC drafts.
1491.14 Interest charges.
1491.15 Advance payment.
1491.16 Liability for payment.

Miscellaneous Provisions

1491.17 Assignment.
1491.18 Covenant against contingent fees.
1491.19 Officials not to benefit.
1491.20 Exporters records and accounts.
1491.21 Communications.
Supplement I—Beef Breeding Cattle.
Supplement II—Dairy Breeding Cattle.
Supplement III—Breeding Swine.

Authority.—Sec. 4(b), 80 Stat. 1537, as added by Sec. 101, 92 Stat. 1685 (7 U.S.C. 1707a(b); Sec. 5(f), 62 Stat. 1070, as amended (15 U.S.C. 714c)

Subpart A—Financing of Export Sales of Breeding Animals (GSM-201)

General

§ 1491.1 General statement.

(a) This subpart contains the regulations governing the Commodity Credit Corporation's Intermediate Credit Program for financing the export sales of breeding animals (GSM-201).

(b) The financing period shall be in excess of three years but not more than ten years.

(c) Subject to the terms and conditions set forth in this Subpart A, CCC will purchase for cash the exporter's account

receivable arising from the export sale, after delivery of the breeding animals.

(d) GSM–201 will be administered by the Office of the General Sales Manager, U.S. Department of Agriculture.

(e) The provisions of Public Law 83–664 (Cargo Preference Act) are not applicable to shipments of breeding animals financed under GSM–201.

(f) CCC may require an initial payment from the foreign importer prior to delivery of the breeding animals.

(g) Payment to CCC shall be in dollars with interest equal, as nearly as practicable, to the rate charged by CCC for Financing under CCC's short-term Export Credit Sales Program.

§ 1491.2 Definition of terms.

As used in this Subpart A and in the forms and documents related thereto, the following terms shall have the meanings assigned to them in this section:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the export value of the breeding animals delivered for which the exporter is extending credit to the importer. The account receivable shall be evidenced by documents, in form and substance satisfactory to CCC, establishing the contractual obligation between the exporter and the foreign importer. The account receivable shall provide for (1) payment of principal and interest in U.S. dollars in the United States, (2) interest in accordance with § 1491.14 and (3) acceleration of payment thereunder in accordance with these regulations.

(b) "Agency or branch bank" means an agency or branch of a foreign bank, supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, and approved by the Controller, CCC.

(c) "Assistant Sales Manager" means the Assistant Sales Manager, Commercial Export Programs, Office of the General Sales Manager, U.S.D.A., or his designee.

(d) "Bank obligation" means an obligation, in accordance with § 1491.12, and acceptable to CCC, of a U.S. bank, a branch bank, or a foreign bank, to pay to CCC in U.S. dollars the amount of the account receivable, plus interest in accordance with § 1491.14.

(e) "Breeding animals" means U.S. breeding animals, including, but not limited to, cattle, swine, sheep, and poultry.

(f) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(g) "Date of delivery" means the onboard date of an ocean bill of lading, or the date of an airway bill, or if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country.

(h) "Date of sale" means the earliest date the exporter has knowledge that a contractual obligation exists with the foreign buyer under which a firm dollar and cent price has been established or a mechanism to establish the price has been agreed upon.

(i) "Eligible destination" means the country which is named in the financing agreement and which meets the licensing requirements of the U.S. Department of Commerce.

(j) "Eligible exporter" or "exporter" means a person (1) who is engaged in the business of buying or selling breeding animals and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting or participating in any program financed by CCC on the date of issuance of the financing agreement.

(k) "Export value" means the net amount of the exporter's sale price to be financed under the financing under the financing agreement basis f.o.b. export carrier U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air, less any payments made to the exporter, and less any discounts, credits or allowances by the exporter. Export value may include freight cost. The export value shall not include marine and war risk insurance for c.i.f. sales.

(l) "Financing agreement" means the exporter's request for a sale registration as approved by the Assistant Sales Manager, and the terms and conditions of the regulations in this Subpart in effect on the date of approval.

(m) "Financing period" means the number of years and months over which paymnent is to be made which shall be in excess of three years but not more than ten years. Such period shall start on the date of delivery or the weighted average delivery date of the breeding animals to be exported under the financing agreement and shall expire on the expiration of the bank obligation or the specified period over which payment is to be made, whichever occurs first.

(n) "Foreign bank" means a bank which is not a U.S. bank or agency or branch bank, but includes a foreign branch of a U.S. bank.

(o) "Foreign importer" or "importer" means the buyer who purchases the breeding animals to be exported under a financing agreement.

(p) "Freight cost" means the cost of freight from United States points of export to designated points of entry in the country shown in the financing agreement.

(q) "GSM–201" means the regulations contained in this Subpart A, and supplements thereto, setting forth the terms and conditions governing the CCC Intermediate Credit Export Sales Program For Breeding Animals.

(r) "OGSM" means the Offfice of the General Sales Manager, U.S. Department of Agriculture.

(s) "Point of export" means the U.S. port, U.S. airport, or U.S. border point where the breeding animals are inspected by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture and exported from the United States.

(t) "Port value" means the net amount of the exporter's sale price of the breeding animals, basis f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports, if shipped by air.

(u) "Producer" means the person holding legal title to the breeding animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

(v) "Sale" means a contract to sell on credit breeding animals to be financed under GSM–201.

(w) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(x) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(y) "USDA announcement" means an announcement published by the U.S. Department of Agriculture (USDA).

(z) "Vice President, CCC" means the Vice President who is the General Sales Manager, Office of the General Sales Manager.

Financing Export Sales

§ 1491.3 General.

(a) No export sale may be financed under this Subpart unless the Assistant Sales Manager determines that the sale will: develop, expand, or maintain the importing nation as a foreign market, on a long-term basis, for the commercial sale and export of U.S. agricultural commodities without displacing normal U.S. commercial sales or improve the capability of the importing nation to purchase and use, on a long-term basis, U.S. agricultural commodities.

(b) Financing under this Subpart may not be used to encourage credit competition or for the purpose of foreign aid or debt rescheduling.

§ 1491.4 Submission of requests for sale registrations.

(a) An eligible exporter shall submit a request for a sale registration for financing to the office specified in § 1491.21.

(b) Requests for sale registrations shall be in writing. If such a request is made by telephone, it must be confirmed by letter or wire.

(c) The total amount requested to be registered under a sale shall not exceed the export value of the sale.

(d) Requests for sale registration shall incorporate by reference all terms and conditions of GSM–201.

(e) The following information shall be included in the exporter's request for a sale registration:

(1) The name, class, grade, or quality of the breeding animals as required by the applicable supplements to these regulations, and the number of breeding animals to be exported.

(2) The country of destination.

(3) The port value of the breeding animals to be exported.

(4) The freight cost if sale is made c&f or c.i.f. basis.

(5) The export value.

(6) The date of sale and exporter's sale number.

(7) The date of delivery or period for delivery.

(8) The financing period.

(9) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, branch bank, or foreign bank. If it will be issued by a foreign bank, its name and address.

(10) The name and address of the foreign importer.

(11) Any additional information required by the applicable supplements to these regulations and as determined by CCC.

§ 1491.5 Acceptance of sale registrations.

(a) Upon receiving a request for a sale registration complying with the applicable provisions of this Subpart, the Assistant Sales Manager shall determine whether the request for registration of the sale shall be approved. If approved, the exporter will be notified in writing of the financing agreement number which will constitute notice that the sale is registered and eligible for financing.

(b) CCC reserves the right to reject any and all requests for sale registration.

(c) The approved registration of a sale shall create a financing agreement between the exporter and CCC which shall consist of the exporter's request for the sale registration, the approved sale registration, and the applicable terms and conditions of this Subpart, including amendments and supplemental announcements and supplements hereunder, which are in effect on the date of approval of the sale registration.

(d) The financing agreement may contain such terms and conditions not inconsistent with this Subpart, as are deemed necessary in the interest of CCC and shall be subject only to review by the National Advisory Council on International Monetary and Financial Policies.

(e) An exporter shall promptly notify the Assistant Sales Manager when he is unable to fulfill his obligations under any sale registered with CCC.

§ 1491.6 Amendments to financing agreement.

The financing agreement may be amended provided such amendment is in conformity with GSM–201 at the time of amendment and is determined to be in the interest of CCC. Amendments may include extension of the period for delivery and change in the interest rate.

§ 1491.7 Expiration of period(s) for delivery.

(a) Unless delivery by the exporter to the importer is made within such period as may be provided in the financing agreement or any amendment thereof, or under paragraph (b) of this section, the financing agreement will no longer be valid.

(b) If the Assistant Sales Manager determines that delay in delivery was due solely to causes without the fault or negligence of the exporter, the period for delivery may be extended by the Assistant Sales Manager by the period of such delay.

Documents Required for Financing

§ 1491.8 Documents required after delivery.

(a) CCC will purchase an exporter's account receivable only if the documents specified in paragraphs (b) through (e) of this section and any documentation and certifications required by any supplements to these regulations are received by CCC at the office specified in § 1491.21 (b) within forty-five days, or any extension thereof granted by the Treasurer or Assistant Treasurer, CCC, after date of delivery of the breeding animals.

(b) The exporter shall submit a "Combined Application for Disbursement, Assignment of Account Receivable and Certification" which shall include:

(1) A written application for disbursement, showing with respect to breeding animals delivered (i) the financing agreement number, (ii) the port value to be financed, and (iii) the freight cost if sale is made c&f or c.i.f. basis.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC.

(3) The exporter's certification that (i) he has entered into a contract to sell breeding animals; (ii) the date of sale, the agreed upon price, the class, grade, quality, quantity of the breeding animals, and the payment terms and interest are in accordance with the financing agreement; (iii) he has in his files documents evidencing the export sale contract and the obligation of the importer to him for the financed portion of the export sale and will retain and furnish them to CCC on demand until 3 years after the end of the financing period; (iv) breeding animals of the class, grade, quality, and quantity called for in the exporter's sale as registered with CCC have been delivered to the foreign importer; and (v) he knows of no defenses to the account receivable assigned to CCC.

(c) A copy of the sales invoice to the foreign importer showing (1) the port value of the breeding animals and (2) freight cost if sale is made c&f or c.i.f. basis.

(d) A copy of the document evidencing export provided for in § 1491.9 and, if the consignee is other than the foreign importer named in the financing agreement, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer.

(e) A bank obligation or bank obligations in accordance with § 1491.12 and paragraph (h) of this section, naming CCC as beneficiary, in form and substance acceptable to CCC, covering the amount of the application for disbursement, citing the financing agreement number, and providing for the payment of interest in accordance with § 1491.14.

(f) On receipt of the documents described in paragraphs (b) through (e) of this section and any documentation and certifications required by any supplements to these regulations, CCC will pay promptly to the exporter the amount of the account receivable or the dollar amount of sales registered in accordance with § 1491.5, whichever is the lesser.

(g) If an acceptable application for disbursement and the supporting documents described in paragraphs (b) through (e) of this section have not been received by CCC within 45 days from the date of the delivery, or any extension thereof granted by the Treasurer or Assistant Treasurer, CCC, the financing agreement shall be void.

(h) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, in bankruptcy, in receivership or in liquidation, or has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors, or otherwise ceases to operate on an unrestricted basis, any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due if advised in accordance with § 1491.12.

§ 1491.9 Evidence of export.

(a) If the breeding animals are exported by rail or truck, the exporter shall furnish to CCC one copy of the bill of lading covering the breeding animals exported, certified by the exporter as being a true copy, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the breeding animals are exported, showing the quantity, the place and date of entry, and the name and address of both the exporter and the importer.

(b) If the breeding animals are exported by ocean carrier, the exporter shall furnish to CCC one non-negotiable copy or photo copy or other duplicate copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an onboard endorsement, dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading of the breeding animals, the name of the vessel, the destination of the breeding animals and the name and address of both the exporter and the importer.

(c) If the breeding animals are exported by aircraft, the exporter shall furnish to CCC one non-negotiable copy of an airway bill, dated and signed or initialed on behalf of the carrier. The airway bill must be certified by the exporter as being a true copy and must show the quantity, date and place of loading of the breeding animals, the name of the airline, the destination of the breeding animals and the name and address of both the exporter and the importer.

(d) If the exporter is unable to supply documentary evidence of export as specified in this section, he shall submit such other documentary evidence as may be acceptable to CCC.

Entry Into Country of Destination

§ 1491.10 Failure to enter.

If the exporter fails to enter or cause the entry of the breeding animals into the country of destination, the financing agreement may be terminated by the Assistant Sales Manager, and if full payment under the bank obligation or account receivable has not yet been received, the bank obligation and the account receivable shall, at the option of CCC, become due and payable and liquidated damages shall be payable in accordance with § 1491.11. The remedy herein provided shall not be exclusive of other rights available to the Federal Government.

§ 1491.11 Liquidated damages.

Failure of the exporter to enter or cause the entry of breeding animals financed under GSM–201 into the country of destination shall constitute a breach of the financing agreement which will result in serious and substantial damage to CCC and to its program. Since it will be difficult, if not impossible, to prove the exact amount of such damage, the exporter shall pay to CCC promptly on demand, as reasonable compensation and not as a penalty, liquidated damages in lieu of probable actual damages for failure to enter or cause the entry of the breeding animals into the country of destination, 5 percent of the amount financed for the breeding animals not entered into the country of the destination. Liquidated damages shall not be assessed if the Assistant Sales Manager determines that failure to enter or cause the entry of the breeding animals into the country of destination was due to loss or injury of the breeding animals without fault or negligence on the part of the exporter, or due to act of God or government or public enemy.

Bank Obligations and Payment

§ 1491.12 Coverage of bank obligations.

(a) The bank obligation shall be in the form of an irrevocable letter of credit issued by a U.S. bank, a branch bank, or a foreign bank. CCC will not accept any bank obligation issued by an agency bank. If the bank obligation is issued by a foreign bank, the bank obligation must be advised by a U.S. bank, a branch bank, or an agency bank.

(b) The bank obligation shall provide for payment under the terms and conditions of the financing agreement.

(c) Any bank obligation which provides for a bank acceptance of a time draft by CCC (banker's acceptance) shall not be acceptable to CCC.

(d) CCC will consent to cancellation or reduction of a bank obligation to the extent of any payment it receives from other sources of amounts otherwise payable under such bank obligation.

(e) Collection of purchased accounts receivable will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1491.13 CCC drafts.

CCC will draw one draft for each payment due under bank obligations. If the draft is dishonored, the U.S. bank, branch bank, or agency bank shall return the dishonored draft together with its statement of the reason for nonpayment.

§ 1491.14 Interest charges.

The account receivable purchased by CCC and the related bank obligation(s) shall bear interest as specified in this section. Rates of interest applicable to financing agreements shall be set forth in a USDA announcement. The interest rate applicable for an account receivable covered by a bank obligation issued by a U.S. bank or branch bank shall be lower than the interest rate for an account receivable covered by a foreign bank obligation. The interest rate applicable will be the rate in effect on the date CCC receives the sale registration request under § 1491.4. Interest shall accrue on the account receivable from the date of delivery or the weighted average delivery date of the breeding animals delivered under the financing agreement to the date of payment, or to the date of expiration of the financing period, or to the date of expiration of the bank obligation, whichever occurs first, and shall be payable as specified in the financing agreement. Thereafter, interest shall accrue on any unpaid part of both the principal and interest due as of such expiration date.

§ 1491.15 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid

balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1491.16 Liability for payment.

If the exporter has fulfilled all his obligations under the sales contract within the coverage of the bank obligation(s) submitted in accordance with § 1491.8, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter for payment of all amounts due at maturity of the account receivable and of the bank obligation(s) but the exporter shall remain liable for any loss arising from breach of any contractual obligation, certification or warranty made by it pursuant to the financing agreement, any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by § 1491.15 and § 1491.18, together with interest thereon at the rate specified in the documents evidencing the account receivable, as well as for any liquidated damages provided for in § 1491.11. The liability of the bank and the importer under their respective obligations shall be several.

Miscellaneous Provisions

§ 1491.17 Assignment.

The exporter shall not assign any claim or rights or any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC, or the Controller, CCC.

§ 1491.18 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commerical or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to cancel the financing agreement without liability to CCC. Should the financing agreement be cancelled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under such financing agreement. Such amounts shall, on demand, be refunded to CCC by the exporter.

§ 1491.19 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1491.20 Exporter's records and accounts.

CCC shall have access to and the right to examine any directly pertinent books, documents, papers and records of the exporter involving transactions related to the financed export credit sale until the expiration of three years after the end of the financing period.

§ 1491.21 Communications.

(a) Unless otherwise provided, written requests, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Forward documents for financing to:

United States Department of Agriculture, Commodity Credit Corporation, P.O. Box 2415, Washington, D.C. 20013.

Note.—The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Supplement I—Beef Breeding Cattle

A. Additional definitions.
B. Additional information for sale registrations.
C. Additional documents required after delivery.
D. Miscellaneous (identification, quality, certification).
E. Dual purpose breeds (standards applicable).
Exhibit I—Females (general breed and health requirements).
Exhibit II—Bulls (general breed and health requirements).
Appendix I—Performance Testing.
Appendix II—Specification for Official U.S. Standards for Grades.
F. Footnotes to Supplement I.

A. Additional Definitions

1. "Port Value" of beef breeding cattle to be exported under the financing agreement, shall not exceed, unless otherwise approved by the Assistant Sales Manager, the amounts as specified by OGSM which are set forth in a USDA announcement and are in effect at the time of the sale registration. Higher port values may be allowed (a) for registered bulls if performance has been superior to the performance records specified in Exhibit II to this supplement and (b) for registered and nonregistered females if performance has been superior to the performance records specified in Exhibit I to this supplement.

2. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

3. "Breeder" means the person holding legal title to the female animal at the time she was bred to qualify such animal hereunder as a bred female.

4. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal.

(c) The animal must, at the time of export, be individually identified by an eartag, a legible ear tattoo, or a firebrand and ranch holding brand acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number" as used herein shall also include ear tattoo and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females or Exhibit II for bulls.

5. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

6. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominately of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

7. "Dual Purpose Breeds" means milking shorthorns or red polls.

B. Additional Information for Sale Registrations

In addition to the information required by Section 1491.4 (e) (1) through (11), the request for a sale registration for financing export credit sales of beef breeding cattle shall include the following:

1. A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(a) Registered bulls;
(b) Registered bred females;
(c) Registered unbred females;
(d) Nonregistered bred females; and
(e) Nonregistered unbred females.

2. A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

C. Additional Documents Required After Delivery

In addition to the documents specified in Section 1491.8 (b) through (e), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal identification lists for registered animals and for nonregistered animals, containing the following information:

(a) Identification number;

(b) For each registered animal, shown separately opposite the identification number, the port value and freight cost as specified in the sales invoice;

(c) For nonregistered animals, shown for each lot group by identification number, the average port value and freight cost per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Commercial Export Programs as provided in paragraph A.1.

3. A certification by the exporter that the documents specified in paragraph D. of this Supplement have been furnished to the importer.

D. Miscellaneous

The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Agricultural Marketing Service (AMS), U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificate issued or endorsed by Veterinary Services, Animal and Plant Health Inspection Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Agricultural Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Animal and Plant Health Inspection Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Animal and Plant Health Inspection Service, for bulls over one year of age, except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

E. Dual Purpose Breeds

When dual purpose breeds are eligible for financing under the provisions of both Supplement I and Supplement II to GSM–201, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the request for a sale registration filed pursuant to § 1491.4 of this Subpart and in accordance with paragraph B of this Supplement I. In the event such dual purpose breeds are approved for export hereunder, the provisions of this Supplement I shall apply.

Exhibit I to Supplement I

USDA Approved Beef Breeding Cattle Export Specifications—Females, Option A (to be specified by purchaser):

1. Registered. (1)

Breed

a. Angus.
b. Hereford.
c. Polled Hereford.
d. Charolais.
e. Santa Gertrudis.
f. Shorthorn.
g. Polled Shorthorn.
h. Brahman.
i. Milking Shorthorn. *(2)*
j. Red Poll. *(2)*
k. Brangus.
l. Maine-Anjou.
m. Chianina.
n. Limousin.
o. Red Angus.
p. Murray Grey.
q. Scotch Highland.
r. Simmental.
s. Beefmaster.
t. Devon.
u. Beefalo.
v. Charbray.
w. Other beef cattle breeds having a registry Association in the U.S.

2. Nonregistered. (3) Specify predominant breed from above. Option B (to be specified by purchaser):

Age 4

1. Calf—(7 to 12 months).
2. Yearling Open—(12 to 18 months).
3. Heifer Open—(18 to 24 months).
4. Bred Heifer—(18 to 36 months).
5. Bred Cow—(24 to 48 months).
6. Mature Cow—(24 to 48 months). *(5)*

General Requirements

A. Health. (6) 1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

B. Minimum weight. (7) 1. Calf—(7 to 12 months), 400 pounds.

2. Yearling Open—(12 to 18 months), 500 pounds.

3. Heifer Open—(18 to 24 months), 600 pounds.

4. Bred Heifer—(18 to 24 months), 700 pounds; (24 to 36 months), 800 pounds.

5. Bred Cow—(24 to 36 months), 800 pounds; (36 to 48 months), 950 pounds.

6. Mature Cow—(24 to 36 months), 800 pounds; (36 to 48 months), 950 pounds. *(5)*

C. Minimum Conformation: Choice. (7) All nonregistered females must be dehorned or naturally polled unless otherwise specified in the request for a sale registration. Horn stubs in excess of one inch will not be acceptable on dehorned cattle.

D. Performance Records. (8) (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.6 pounds/day.

2. Minimum adjusted daily gain to weaning of offspring 1.6 pounds/day (if appropriate).

E. Statement of Service or Other Requirement. 1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered bred female must be eligible for registration. *(9)*

2. Bred females must be at least two months but no more than six months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least two months pregnant but may be up to eight months pregnant with veterinarian approval. *(10)*

3. Mature cows not qualifying as "bred cows", to be eligible for financing hereunder, must be lactating and have their offspring not in excess of approximately five months of age at side at time of inspection by AMS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

Exhibit II to supplement I

USDA Approved Beef Breeding Cattle Export Specifications—Bulls, Option A (to be specified by purchaser):

Breed (1)

1. Angus.
2. Hereford.
3. Polled Hereford.
4. Charolais.
5. Santa Gertrudis.
6. Shorthorn.
7. Polled Shorthorn.
8. Brahman.
9. Milking Shorthorn. (*2*)
10. Red Poll. (*2*)
11. Brangus.
12. Maine-Anjou.
13. Chianina.
14. Limousin.
15. Red Angus.
16. Murray Grey.
17. Scotch Highland.
18. Simmental.
19. Beefmaster.

20. Devon.
21. Beefalo.
22. Charbray.
23. Other beef cattle breeds having a registry Association in the U.S. Option B (to be specified by purchaser):

Age (4)

1. Bull Calf—(7 to 12 months).
2. Yearling Bull—(12 to 18 months).
3. Bull—(18 to 24 months).
4. Mature Bull—(24 to 48 months).

General Requirements

A. Health. (6)

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.
2. Tested negative for brucellosis within 30 days of loading aboard export carrier.
3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.
4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.
5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. Minimum Weight. (7) 1. 7 to 12 months, 470 pounds.
2. 12 to 18 months, 790 pounds.
3. 18 to 24 months, 1100 pounds.
4. Over 24 months, 1350 pounds.

C. Minimum Conformation: Prime. (7)

D. Performance Records. (8) (optional, unless specified). (See attached Appendix I to Exhibits I and II.) 1. Minimum adjusted daily gain to weaning, 1.9 pounds per day. E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over one year of age, (11) except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

Appendix I to Exhibits I and II—Performance Testing

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability but also of the milking ability of the dam.

Appendix II to Exhibits I and II—Specifications for Official United States Standards for Grades of Feeder Cattle *(12)*

Prime

Cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back and loin. The rounds tend to be thick and the twist is moderately deep.

Choice

Cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and thick through the crops, back and loin. The rounds are slightly thick and the twist is slightly deep.

F. Footnotes to Supplement I

1. Animals must be officially registered with the appropriate national breed association and be so certified by AMS agent.
2. Dual purpose breeds (see paragraph E, Supplement I).
3. Nonregistered animals will be certified for breed by the AMS agent.
4. Certification by AMS agent.
5. See paragraph E3 of Exhibit I.
6. Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.
7. Certification furnished by Livestock, Poultry, Grain and Seed Division, AMS, USDA. Conformation grade to be based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)
8. Official State records or National Breed Association records, or Performance Registry International records.
9. Must be certified to by the breeder of the female at time of sale to exporter.
10. Certification of pregnancy shall be issued by an accredited veterinarian.
11. Certification must be issued by an accredited veterinarian.
12. Adapted from Service and Regulatory Announcement AMS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock, Poultry, Grain and Seed Division, AMS, USDA, Washington, D.C. 20250.

Supplement II—Dairy Breeding Cattle

Section

A. Additional definitions.
B. Additional information for sale registrations.
C. Additional documents required after delivery.
D. Miscellaneous (identification, quality, certification).
E. Dual purpose breeds (standards applicable).
Exhibit I—Females (general breed and health requirements). Appendix to Exhibit I.
Exhibit II—Bulls (general breed and health requirements). Appendix to Exhibit II.
F. Footnotes to Supplement II.

A. Additional Definitions

1. "Port value" of dairy breeding cattle to be exported under the financing agreement, shall not exceed, unless otherwise approved by the Assistant Sales Manager, the amount as specified by OGSM which is published in a USDA announcement and is in effect at the time of the sale registration. Higher port values may be allowed (a) for registered bulls if such animal has a superior performance index as set out in paragraph D.2 of Exhibit II to this supplement and (b) for registered and nonregistered females if such animal has a superior performance index as set out in paragraph D.3 of Exhibit I to this supplement.
2. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.
3. "Breeder" means the person holding legal title to the female animal at the time she was bred to qualify such animal hereunder as a bred female.
4. "Eligible animal" means an animal which meets all the following requirements:
(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);
(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;
(c) The animal must, at the time of export, be individually identified by an eartag, a legible ear tattoo, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number(s) as used herein shall also include ear tattoo and firebrand and ranch holding brand symbol.
(d) The animal must qualify under the specifications of Exhibit I for females or Exhibit II for bulls.
5. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration of other official document issued by the appropriate national breed association.
6. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominately of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)
7. "Dual purpose breeds" means, for dairy breeding cattle, milking shorthorns, or red polls.

B. Additional Information for Sale Registrations.

In addition to the information required by Section 1491.4(d) (1) through (11), the request for a sale registration for financing export credit sales of dairy breeding cattle shall include the following:

1. A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(a) Registered bulls;
(b) Registered bred females;
(c) Registered unbred females;
(d) Nonregistered bred females; and
(e) Nonregistered unbred females.

2. A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

C. Additional Documents Required After Delivery

In addition to the documents specified in Section 1491.8 (b) through (e) the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate identification lists for each group of animals described in paragraphs A.1. (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the port value and freight cost as specified in the sales invoice;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by identification list, the average port value and freight cost per animal based on the sales invoice for such nonregistered animals.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1. or D.2. of Exhibit II;

(b) For registered females if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.2. of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3. of Exhibit I.

3. A certification by the exporter that the documents specified in paragraph D. of this Supplement have been furnished to the importer.

D. Miscellaneous

The following documents or certifications, as applicable, shall be furnished to the importer by the exporter.

1. The certificates issued by an agent of the Agricultural Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification number and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by Veterinary Service, Animal and Plant Health Inspection Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Agricultural Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Animal and Plant Health Inspection Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Animal and Plant Health Inspection Service, for bulls over one year of age.

E. Dual Purpose Breeds

When dual purpose breeds are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-201, as revised, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the request for a sale registration filed pursuant to Section 1491.4 of this Subpart and in accordance with paragraph B of this Supplement II. In the event such dual purpose breeds are approved for export hereunder, the provisions of this Supplement II shall apply with the exception that the Assistant Sales Manager is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

Exhibit I to Supplement II

USDA Approved Dairy Cattle Export Specifications—Females, Option A (to be specified by purchaser).

1. Registered. (*1*)

Breed

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn. (*2*)
g. Red Poll. (*2*)

2. Nonregistered. (*3*) Specify predominant breed from above. Option B (to be specified by purchaser).

Age (*4*)

1. Calf—(6 to 12 months).
2. Yearling Open—(12 to 18 months).
3. Heifer Open—(18 to 30 months).
4. Bred Heifer—(18 to 30 months).
5. Mature Cow—(24 to 48 months).

General Requirements

A. Health. (*5*). 1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 24 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of non-mastitis infection as he sees fit.

B. Minimum Weights.(6) 1. Registered Animals.

Age* (in months)	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6	360	295	260
b. 8	470	385	340
c. 10	565	455	410
d. 12	640	525	470
e. 14	710	585	520
f. 16	775	635	555
g. 18	835	685	600
h. 20	900	745	645
i. 22	970	790	695
j. 24	1,015	845	735
k. 26	1,045	870	760
l. 28	1,070	895	780
m. 30	1,090	910	790
n. 36 and over	1,180	990	865

*Minimum weights for ages between the ages shown shall be determined proportionately.

2. Nonregistered Animals.

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	295	260
b. Yearling Open	640	525	470
c. Heifer Open	835	685	600
d. Heifer Bred	835	685	600
e. Mature Cow	1,015	845	735

C. Minimum Conformation.(6) All animals must meet the minimum body conformation specifications as described in Appendix to this Exhibit I.

D. Production Performance Index. (7) 1. Acceptable. An acceptable performance index for Registered or Nonregistered Females will be considered to exist if such animals meet the minimum conformation of item C above.

2. Superior. A Superior performance index for a Registered Female will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference (8) equal to two percent of DHI breed average as shown in Item E below, or in the event the Sire does not have a summary, his Sire has a predicted difference (+500 pounds) (8) and

(b) Dam has a DHI or DHIR record (9) equal to 10 percent above the DHI breed average as shown in Item E below.

3. Superior. A superior performance index for a Registered or Nonregistered Mature Cow will be considered to exist if such animal has a DHI production record (9) 15 percent above the DHI breed average as shown in Item E below.

E. DHI Milk Production Breed Average (Mature Equivalent). The following breed averages are applicable to these specifications.

[In pounds]

Breed	Average			
	Breed	2 pct of breed	10 pct of breed	15 pct of breed
Ayrshire	12,051	241	1,205	1,808
Brown Swiss	13,500	270	1,350	2,025
Guernsey	10,932	219	1,093	1,640
Holstein	16,174	323	1,617	2,426
Jersey	10,426	209	1,042	1,564

F. Statement of Service

1. Bred females must have been bred to a registered bull of the same breed.(10)

2. Bred females must be at least two months pregnant but no more than six months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least two months pregnant but may be up to eight months pregnant with veterinarian approval.(11)

Appendix to Exhibit I—Minimum Body Conformation Specification for Females

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

Exhibit II

USDA Approved Dairy Cattle Export Specifications—Bulls, Option A (to be specified by purchaser):

Breed(1)

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.(2)
g. Red Poll.(2)

Option B (to be specified by purchaser):

Age(4)

a. Calf—(6 to 12 months).
b. Yearling—(12 to 18 months).
c. Young Bull—(18 to 24 months).
d. Mature Bull—(24 to 48 months).

General Requirements:

A. Health.(5) 1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

B. Minimum Weight.(6)

Age* (in months)	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6	450	370	315
b. 8	585	480	410
c. 10	710	555	490
d. 12	820	655	565
e. 14	930	755	645
f. 16	1,040	840	745
g. 18	1,155	920	815
h. 21	1,320	1,065	950
i. 24	1,455	1,210	1,050
j. 27	1,570	1,310	1,140
k. 30	1,670	1,395	1,215
l. 36 and over	1,840	1,545	1,350

* Minimum weights for ages between the ages shown shall be determined proportionately.

C. Minimum Conformation.(6)

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. Production Performance Index. (7)

1. Acceptable. An Acceptable performance index for a Registered Bull will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference, (8) and

(b) Dam has a DHI or DHIR record (9) 10 percent above the DHIR breed average as shown in Item E below.

2. Superior. A Superior performance index for a Registered Bull will be considered to exist if:

(a) Sire has a Plus (+) USDA Predicted Difference (8) equal to two percent of DHIR breed average as shown in Item E below, and

(b) Dam has a DHI or DHIR record (9) 20 percent above the DHIR breed average as shown in Item E below.

E. DHIR Milk Production Breed Averages (Mature Equivalent).

The following breed averages are applicable to these specifications:

[In pounds]

Breed	Average			
	Breed	2 pct of breed	10 pct of breed	20 pct of breed
Ayrshire	14,963	299	1,496	2,992
Brown Swiss	14,836	297	1,483	2,967
Guernsey	11,902	238	1,190	2,380
Holstein	16,861	337	1,686	3,372
Jersey	11,215	224	1,121	2,243

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over one year of age. (12)

Appendix to Exhibit II—Minimum Body Conformation Specifications for Bulls

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

F. Footnotes to Supplement II

1. Animals must be officially registered with the appropriate national breed association and be so certified by AMS agent.

2. Dual purpose breeds (see paragraph E, Supplement II).

3. Nonregistered animals will be certified for breed by the AMS agent.

4. Certification by AMS agent.

5. Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

6. Certification or endorsement furnished by Livestock, Poultry, Grain and Seed Division, AMS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit I or II attached. Weights may be determined by weighing or be estimates using a girth measurement tape.

7. DHI or DHIR milk production records mature equivalent based on 305-day, two times day milking.

8. Source: USDA–DHI Sire Summary Records—Animal and Plant Health Inspection Service.

9. Source: Breed Association or Dairy Records Processing Center Serving the DHI Association where tested.

10. Must be certified to by the breeder of the female at time of sale to exporter.

11. Certification of pregnancy shall be issued by an accredited veterinarian.

12. Certification must be issued by an accredited veterinarian.

Supplement III—Breeding Swine

Section

A. Additional definitions.
B. Additional information for sale registrations.
C. Additional documents required after delivery.
D. Miscellaneous.
Exhibit I—Females.
Exhibit II—Boars.
Appendix I—Health Requirements.
Appendix II—Specifications for Official U.S. Standards for Grades.
F. Footnotes to Supplement III.

A. Additional Definitions

1. "Port value" of breeding swine to be exported under the financing agreement, shall not exceed, unless otherwise approved by the Assistant Sales Manger, the amount as specified by OGSM which is published in a USDA announcement and is in effect at the time of the sale registration.

2. "Bred female" means a bred gilt as set forth in Exhibit I, Option B, and must be accompanied by a breeding certificate provided by the breeder.

3. "Breeder" means the person holding legal title to the registered or non-purebred female animal or having contractual rights to a non-purebred female animal at the time she was bred to qualify such animal hereunder as a bred female.

4. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered, declared eligible for registery or otherwise classified as a purebred animal of that breed and meets the following requirements:

(a) The animal must have been owned by a person who had continuous title to such animal for a period of at least 60 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(b) The animal must, at the time of export, have at least one eartag acceptable to USDA as an authentic identifying symbol for such animal and must be marked with a legible ear notch which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association;

(c) The animal must qualify under the specifications of Exhibit I for females or Exhibit II for boars.

5. "Non-purebred animal" means a hybrid animal or an animal from a new breed produced in herds where the parents and paternal and maternal grandparents are recorded on an appropriate certificate and certified to by the producer. Each such ancestor must have an identification number and the parent or grandparent of the animal to be exported cannot be an animal registered with a national breed association. In addition, a non-purebred animal must meet the following requirements:

(a) The exporter must have been the producer of the animal or had contractual rights to the animal or the parents or grandparents of the animal must have been owned by the exporter at the time the animal was born.

(b) The animal, at time of export, must have at least one eartag acceptable to USDA as an authentic identifying symbol for such animal and must be marked with legible ear notches which correspond with the number shown on the official certificate recorded by the producer for such animal.

(c) The animal must qualify under the specifications of Exhibit I for females or Exhibit II for boars.

B. Additional Information for Sale Registrations

In addition to the information required by Section 1491.4(d) (1) through (11), the request for a sale registration for financing export credit sales of breeding swine shall include the following:

1. A list of the animals to be exported including the identification number, breed, and price under the following classes:

(a) Boars.
(b) Bred females.
(c) Unbred females.

2. If applicable, a statement of justification for prices over the maximum limits specified in a USDA announcement.

3. A statement that such animals will conform to the general specification requirements set forth in Exhibit I or II, as applicable to the class of animals to be exported.

C. Additional Documents Required After Delivery

In addition to the documents specified in Section 1491.8(b) through (e), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

An animal identification list containing the following information:

1. Identification number.

2. For each animal, shown separately opposite the identification number, the port value and freight cost as specified in the sales invoice.

D. Miscellaneous

The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. For registered animals, the certificates issued by an agent of the Agricultural Marketing Service (AMS), U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. For non-purebred animals, the certificate issued by an agent of AMS, USDA will include the producer's official certification of the animal(s) to be exported, a list of the identification number(s) for each animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

3. For registered animals, a certification by the breeder of females sold as "bred females" showing the identification number of both the female and boar and stating that the service boar was a registered boar of the same breed. In addition the breeder will certify that the bred female has missed at least one heat period since last service. It will also be certified by the breeder that the bred females will not be more than three months pregnant at time of departure from point of exit.

4. For non-purebred animals, a certification by the breeder of females sold as "bred female" showing the identification numbers of both the female and boar and stating that the service boar was a duly certified boar of a hybrid or new breed group. In addition the breeder will certify that the bred female has missed at least one heat period since last service. It will also be certified by the breeder that the bred females will not be more than three months pregnant at time of departure from point of exit.

5. The certificate issued or endorsed by Veterinary Services, Animal and Plant Health Inspection Service, listing the identification number and showing that such animal has been inspected for compliance with "Health" requirements. (See Appendix I to Exhibits I and II.)

6. For registered animals, the certificates issued by the Agricultural Marketing Service listing the identification number for each animal and showing for such animal compliance with breed registration, number of teats, and USDA grade, for the class, as shown in Exhibit I or II, as applicable.

7. For non-purebred animals, the certificates issued by AMS listing the identification number for each animal and showing for such animal compliance with ancestry specifications, number of teats and USDA grade, for the class, as shown in Exhibit I or II, as applicable.

8. The certificates signed by the breeder listing, for each animal, the individual identification number, breed, and age and a statement that the animal was from a litter of at least seven pigs.

Exhibit I to Supplement III

USDA Approved Breeding Swine Export Specifications—Females, Option A (to be specified by purchaser):

1. Registered Females. (*1*)

Breed

a. Poland China.
b. Chester White.
c. Yorkshire.
d. Hampshire.
e. Berkshire.
f. Duroc.
g. Tamworth.
h. Landrace.
i. Hereford.
j. Spotted Swine.

2. Non-Purebred Females (*2*)

Option B (to be specified by purchaser):

Age (3)

1. Unbred female—8 weeks–8 months. (*4*)
2. Bred female—7–14 months.

General Requirements:

A. Health. (See Appendix I)

B. Minimum USDA Grade—U.S. No. 2. (*5*)

C. Eligible females must be out of a litter of at least seven pigs. Also, they must have at least six functional teats on each side of the underline with no inverted nipples. (*5*)

D. Statement of Service or Other Requirements. Registered bred females must have been bred to a registered boar of the same breed and non-purebred females must have been bred to a duly certified boar of a hybrid or new breed group. All bred females shall have missed at least one heat period since last service and be not more than three months pregnant at time of departure from point of exits. (*3*)

Exhibit II to Supplement III

USDA Approved Breeding Swine Export Specifications—Boars, Option A (to be specified by purchaser):

1. Registered Boars. (*1*)

Breed

(a) Poland China.
(b) Chester White.
(c) Yorkshire.
(d) Hampshire.
(e) Berkshire.
(f) Duroc.
(g) Tamworth.
(h) Landrace.
(i) Hereford.
(j) Spotted Swine.

2. Non-Purebred Boars. (*2*)

Option B (to be specified by purchaser).

Age (3)

1. Boar pigs—8–16 weeks. (*7*)
2. Boars—4–8 months.
3. Boars—8–12 months.

General Requirements:

A. Health. (See Appendix I).

B. Minimum USDA grade—U.S. No. 1. (*5*)

C. Eligible boars must be from a litter of at least seven pigs. (*3*)

Appendix I to Exhibits I and II

Health Requirements (8)

Swine financed for export under the CCC Export Credit Sales Program shall be certified by the appropriate USDA inspectors as follows:

1. U.S. is free of foot-and-mouth disease, African swine fever, Teschen disease and vesicular exanthema.

2. The swine originate from a free area (*9*) where hog cholera is not known to exist according to Title 9, Part 76 of U.S. Department of Agriculture regulations.

3. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, lice, and ticks or freed from the same.

Export inspection and certification requirements of the U.S. Department of Agriculture must be met.

Appendix II to Exhibits I and II

Specifications for Official United States Standards for Grades of Feeder Pigs

U.S. No. 1. Feeder pigs in this grade near the borderline of the U.S. No. 2 grade are long and have thick muscling throughout. Thickness of muscling is particularly evident in thick and full hams and shoulders. The hams and shoulders are thicker than the back, which is well-rounded. They usually present a well-balanced appearance.

U.S. No. 2. Feeder pigs in this grade near the borderline of the U.S. No. 3 grade are moderately long and have moderately thick muscling throughout. Thickness of muscling is particularly evident in moderately thick and full hams and shoulders. The back usually appears slightly full and well-rounded. They usually present a well-balanced appearance.

F. Footnotes to Supplement III

1. All animals for delivery under these specifications must be certified by AMS agent as officially registered with the appropriate national breed association.

2. All animals for delivery under these specifications must be certified by the producer as produced in herds where the parents and maternal and paternal grandparents are recorded on an appropriate certificate by the producer.

3. Certification by breeder.
4. Female pigs in this class must weigh at least 40 pounds. Certification furnished by Livestock, Poultry, Grain and Seed Division, AMS, USDA.
5. Certification furnished by Livestock, Poultry, Grain and Seed Division, AMS, USDA, grade to be based on the official U.S. standards for grades of feeder pigs (See Appendix II).
6. Certification by Livestock, Poultry, Grain and Seed Division, AMS, USDA.
7. Boar pigs must weigh at least 40 pounds. Certification furnished by Livestock, Poultry, Grain and Seed Division, AMS, USDA.
8. Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.
9. Free area means a radius of five miles within which no cholera has occurred within 3 months.

[FR Doc. 79-26225 Filed 8-22-79; 8:45 am]
BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; New Procedures for Requesting Advance Processing in Orphan Visa Petition Cases

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final Rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service concerning submission of requests for advance processing of orphan visa petitions. The rule will require a request for advance processing of an orphan petition to be accompanied by the petition Form I-600, the required fee, and the fingerprints of the prospective adoptive parent(s). Under the revised rules for advance processing, the child must be identified to the Service within one year or the petition will be considered abandoned and the fee will not be refunded. This amendment is needed and intended to facilitate the processing of orphan petitions and expedite the immigration of those children; encourage the filing of serious petitions; and enable the Service to recover some of its processing costs in instances where the petitions are not completed.

EFFECTIVE DATE: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, Washington, DC 20536. Telephone: (202) 635-3048

SUPPLEMENTARY INFORMATION: On May 25, 1979, at 44 FR 30354, the Service published a Notice of Proposed Rulemaking in the **Federal Register** setting forth new procedures for the advance processing of orphan visa petitions (Form I-600), prior to the time the child has been located and identified.

The proposed rule amending 8 CFR 204.1(b), provided that a request for advance processing must be accompanied by the Form I-600 application, the appropriate fee (prescribed in 8 CFR 103.7(b)(1), and the fingerprints of the prospective adoptive parent(s). The Service will commence preliminary processing, but the petition will not be considered properly filed until the orphan has been identified, the biographical information concerning the child is furnished to this Service and the necessary supporting documents have been submitted. In a petition involving advance processing the child must be identified to the Service and the petition must be completed within one year.

In response to our notice of proposed rulemaking, we received 42 responses from organizations and individuals, supporting the proposed amendments and urging that they be made effective as soon as possible.

Since there were no objections, the proposed rule will be adopted substantially as published. The CFR citation to the Service fee schedule has been substituted for the reference to "appropriate fee".

In addition, the Service will waive the 30 day delayed effective date provision of 5 U.S.C. 553(d) because observance of this 30 day period would only delay the conferral of the benefits and simplification of the processing intended by these proposed amendments.

In the light of the foregoing, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as set forth below.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIDATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1(b) is herby revised by designating the existing material as subparagraph (1) *General,* and deleting the last sentence, and by adding a new subparagraph (2) *Advance processing.* As revised § 204.1(b) reads as follows:

§ 204.1 Petition.

* * * * *

(b) *Orphan*—(1) *General.* A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed on Form I-600 by a United States citizen with the office of the Service having jurisdiction over the place where the petitioner is residing, shall identify the child, and shall be accompanied by the fee required under § 103.7(b) of this chapter. If the petitioner is married, the Form I-600 shall be signed also by the petitioner's spouse. If unmarried, the petitioner must be at least twenty-five years of age at the time of the adoption and when the petition is filed. If the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition, which can be ascertained by consulting an American consul. However, since no Service office in Canada has been so designated, a petitioner residing in that country shall file the petition with the office of the Service having jurisdiction over the place of the child's intended residence in the United States. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter.

(2) *Advance processing.* A prospective petitioner may request advance processing when a prospective orphan has not been located and identified or where the prospective petitioner or spouse is going abroad to adopt or locate a child. The request for advance processing must be in writing and must be accompanied by a Petition to Classify Orphan as an Immediate Relative (Form I-600), the fee specified in § 103.7(b) of this chapter, and the fingerprints of the petitioner and spouse if married. The request will be submitted to the district director in whose jurisdiction the prospective petitioner is residing. Such petition will not be regarded as properly filed until the orphan has been identified, the biographical information concerning the child is furnished to this Service and the necessary supporting documents have been submitted. The petitioner will be informed that the petition will be retained for one year and that if a child has not been identified to this Service within that year the petition will be considered abandoned and that any further proceedings will require the filing of a new petition. If the petition is denied or considered abandoned, the fee will not be refunded.

* * * * *

(Sec. 103, 8 U.S.C. 1103; Interpret or apply sec. 101(b)(1)(F) and sec. 201(b) (8 U.S.C. 1101(b)(1)(F) and 1151(b))

Effective date: These amendments become effective on August 23, 1979.

Dated: August 16, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

August 20, 1979.

[FR Doc. 79-26222 Filed 8-22-79; 8:45 am]

BILLING CODE 4410-10-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 725

National Credit Union Administration Central Liquidity Facility; Membership and Lending

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: These regulations establish the membership requirements and lending policies and procedures of the National Credit Union Administration Central Liquidity Facility ("Facility"). The Facility was created by Title XVIII of Pub. L. 95-630 as a corporation within the National Credit Union Administration ("NCUA") to provide credit unions with a source of funds to meet their liquidity needs.

EFFECTIVE DATE: August 23, 1979.

ADDRESS: National Credit Union Administration Central Liquidity Facility, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: David Serlo, Treasurer, or Mark Medvin, Attorney-Advisor, National Credit Union Administration Central Liquidity Facility, Washington, DC 20456. Telephone: (800) 424-3205 (Mr. Serlo) or (202) 632-4870 (Mr. Medvin).

SUPPLEMENTARY INFORMATION: The National Credit Union Administration Central Liquidity Facility ("Facility") was created by the National Credit Union Central Liquidity Facility Act ("Act"), Title XVIII of Pub. L. 95-630. The Facility is a "mixed ownership Government corporation" within the National Credit Union Administration ("NCUA"). It is an instrumentality of the Federal Government owned by its member credit unions and managed by the NCUA Board.

The purpose of the Facility is to improve the general financial stability by providing credit unions with a source of loans to meet their liquidity needs, and thereby encourage savings, support consumer and mortgage lending, and provide basic financial resources to all segments of the economy. Banks and savings and loan associations have long had access to loans from the Federal Reserve System "discount window" and the Federal Home Loan Banks, respectively, to meet their liquidity needs, but there has been no similar Government-sponsored source of funds available to credit unions. The Central Liquidity Facility was established by Congress to fill this void. The Facility will begin operation on October 1, 1979, and will begin accepting applications for membership on August 23, 1979. These regulations address membership in and loans from the Facility. A regulatory analysis has been prepared and is available upon request.

ANALYSIS OF COMMENTS AND CHANGES: On May 4, 1979, NCUA requested public comment on proposed regulations on membership and lending policies of the Facility (44 FR 26115). Approximately 25 written comments were received. Of these, eight comments were from natural person credit unions, with the remainder primarily from trade associations, credit union leagues and central credit unions. Following is a discussion of the comments and of the substantive changes made, as well as an explanation of the final regulation.

1. Agent Member Stock Subscription

The single issue receiving the most comments was the requirement that central credit unions subscribe to Facility capital stock based on the paid-in and unimpaired capital and surplus of *all* their member natural person credit unions (Section 725.4(a)(2)). Eleven commenters raised this issue and most suggested that this requirement is contrary to the concept of voluntary Facility membership and should be modified to permit central credit unions to join the Facility by subscribing to stock based on the capital and surplus of only those member natural person credit unions which desire access to the Facility. The problem most often cited was the inability of a central credit union to require its members to "reimburse" it for the stock purchased on their behalf. Commenters pointed out that if a large member of a central credit union refuses to reimburse the central for its portion of the stock subscription, the central might not have enough funds to pay the required stock subscription, or might be able to do so only at the cost of using a substantial portion of its assets and crippling its non-Facility lending operations.

The requirement that central credit unions subscribe to stock based on the capital and surplus of all their members is a statutory requirement. Section 12 U.S.C. 1795c(b) provides for a stock subscription for Agents of:

> "one-half of 1 per centum of the paid-in and unimpaired capital and surplus of *all* those credit unions which primarily serve natural persons, which are members of such credit union or of any credit union comprising such credit union group, and which are not regular members" (emphasis added).

This provision is unambiguous in its requirement and NCUA will follow the statutory mandate in this matter.

However, NCUA will permit Federal central credit unions acting as Agents to set membership requirements which require their members to maintain shares in their central credit unions to "reimburse" it for their portion of the Facility stock subscription. NCUA will propose a regulation that will specifically permit federally chartered central credit unions to establish such membership requirements.

Related to the requirement that Agent members subscribe to capital stock for all their member natural person credit unions is an issue raised by a number of commenters who pointed out that the proposed regulation required Agents to have the Facility's repayment, security and credit reporting agreements signed by all their members, and that failure to do so place the Agent in violation of the regulation. The comments pointed out that the Agent cannot force a credit union which does not want access to the Facility to sign the agreement if the credit union management refuses, and suggested that the regulation should be drafted so that the Agent will not be placed in violation of the regulation for something beyond its control. Accordingly, NCUA has deleted this provision from the final regulation and has substituted a provision which prohibits an Agent from basing a loan application to the Facility upon the liquidity needs of any member natural person credit union which has not agreed to the required repayment terms (Section 725.17(b)(3)).

2. On-Call Portion of the Stock Subscription

The second most often raised issue in the comments concerned the "on-call" portion of the stock subscription. The proposed regulation stated that the on-call portion of the stock subscription could be held in "demand deposits or invested in such other assets as the NCUA Board may from time to time prescribe."

Seven commenters addressed this issue. The general thrust of the comments was that demand deposits are undesirable because there is normally no return on such deposits. Commenters requested more specificity as to the other types of investments that will be permitted and suggested that investments that will pay a reasonable return and keep the funds in the credit union movement are most desirable.

In accordance with these suggestions, the final regulation specifies a number of permissible investments for the on-call portion of the stock subscription (Section 725.5(c)). These include additional shares of Facility stock, share or deposit accounts in central credit unions or noncredit union federally insured financial institutions, securities of or backed by the United States and certain Agency securities, and certain common trust fund or similar "fund" investments. It is NCUA's intent that any investments that will qualify as "liquid assets" under NCUA's Liquidity Reserve regulation (proposed 12 CFR Part 742, June 8, 1979, 44 FR 33094) will constitute permissible investments for the on-call portion of the stock subscription (assuming a final regulation on this matter is promulgated).

3. Return on Investment in Capital Stock: Timing and Amount

A significant number of commenters felt that more specificity was needed as to the dividends that will be paid by the Facility on capital stock in order to enable credit unions to make an informed decision on whether to join the Facility.

NCUA feels that it is neither required nor appropriate to provide specific information on the amount or timing of dividends in the regulation, and that to commit the Facility to specific dividend terms by regulation before the Facility has any earning history would be imprudent. The regulation has been adjusted in § 725.5(e) to specify that dividends will be declared at least annually and to indicate that dividends will be paid in capital stock of the Facility (which is redeemable as long as stock in the minimum amount required for membership is maintained). When the Facility solicits stock subscriptions, it will provide potential members with a prospectus-like informational circular which will discuss the Facility's operations and policies and will include a projection of return on investment based on specific assumptions. NCUA feels that this is consistent with standard business practice and will provide prospective members with the information necessary to make an informed decision on membership.

4. Reimbursement of Agent Members

A number of commenters expressed the opinion that the regulation should provide specific information on how Agent members will be reimbursed for the services which they perform for the Facility. The proposed regulation merely indicated that Agents would be reimbursed in a manner to be determined by the NCUA Board.

As is the case with dividends, NCUA feels that specificity in the regulation as to how Agents will be reimbursed is neither required nor appropriate. Flexibility will be needed as experience shows the costs involved and what the most desirable means of reimbursement are. It is likely that the method of reimbursement will be adjusted from time to time as operational information and experience are gained, and to unnecessarily commit the Facility to specific reimbursement methods or formulas without such information and experience would be unwise. Consequently, the final regulation does not reflect any change in the provision regarding Agent reimbursement (Section 725.4(g)).

5. Publication of Repayment, Security and Credit Reporting Agreements

The proposed regulation indicated that the repayment, security and credit reporting agreements would be published as part of the final regulation. These agreements are contracts pertaining to loans, and, as such, are exempt from the provisions of the Administrative Procedures Act pertaining to solicitation of public comment (5 U.S.C. 553(a)(2)).

Commenters indicated that it was difficult to comment on the regulations or to make any informed decision on joining the Facility without first seeing these agreements. Accordingly, the Facility published copies of the proposed agreements in the **Federal Register** on July 24, 1979 (44 FR 43365), and requested comments from interested parties.

It should be noted that NCUA has decided not to include these agreements as part of the final regulation. The NCUA Board will retain the right to modify these agreements by publication of any changes in the **Federal Register**, and any such changes will apply to Facility advances made after the effective date of the changes (Section 725.21).

6. Agent Groups

The comments raised two specific issues concerning Agent groups. Commenters felt that the regulation should provide specific guidance as to how an Agent group should be structured. The proposed regulation was purposely general on this matter so as not to foreclose any group or prospective group from participating as an Agent member. However, the final regulation has been modified to provide minimal requirements for Agent groups which are essential to the Facility from an operational standpoint.

The regulation defines an "Agent group representative" as a central credit union in the group designated to transact business with the Facility on behalf of the group or any member of the group (Section 725.2(b)). Essentially, the Agent group representative is the group's "interface" with the Facility. The regulation provides that the required stock subscription for the entire group shall be subscribed to by the Agent group representative (Section 725.4(a)), and the repayment agreements are set up in such a way that the Facility will make advances of funds to the Agent group representative for disbursement to the other group members (based on the liquidity needs of their member natural person credit unions). The Agent group representative will be designated in the applications of the group members for "Agent group" membership.

A second issue related to Agent groups which was raised by several commenters concerned the proposed regulation's provision making each central credit union in an Agent group "jointly and severally liable" for all Facility advances to the group. This provision was originally proposed to indicate that Facility advances to Agent groups would be viewed as an advance to the group as a whole rather than to any particular central credit union in the group. The comments suggested that this requirement creates an incentive to join as an individual Agent instead of as part of a group. They also pointed out that each group member would have to reflect the total of all Facility loans to the group as a contingent liability on its financial statement. This would make it difficult for any central credit union in the group to find other sources of loans, and since the Facility is intended primarily as a lender of last resort, this requirement would work contrary to the

Facility's purpose. Therefore, the provision imposing joint and several liability on each member of an Agent group has been deleted, and the repayment, security and credit reporting agreements have been structured so that each member of an Agent group will be liable only for those Facility advances which it has applied for.

7. Role of Agents

Several commenters expressed dissatisfaction with the role provided for Agents under the proposed regulation. They felt that Agents serve little purpose other than as a conduit of funds, and that the restrictiveness of this function will prevent the Facility from taking advantage of the benefits and efficiencies which would be possible if the private system were given a greater role.

Much of the restrictiveness arose from the direct "pass-through" concept embodied in the proposed regulation, under which the Agent would receive a loan application and, if approved, would request funds in the same amount from the Facility to make the loan. The funds would be disbursed to the Agent and would be "passed through" to the natural person credit union on exactly the same terms as the Facility made the loan to the Agent.

Some commenters suggested that it would be more efficient for the Facility to supply funds to Agents based on forecasted liquidity needs than on an item-by-item basis, and permit the Agents to use the funds as they would any other funds. The Facility could monitor funds usage to insure that Facility-supplied funds did not exceed forecasted liquidity demand so that Facility funds would not be used to expand portfolios.

NCUA recognizes the efficiencies and benefits which could be gained from this "aggregate liquidity demand" approach, but feels that it does not provide the Facility with sufficient control over the use of its funds to insure that such funds are used only for liquidity needs. However, NCUA does agree that the role provided to Agents under the proposed regulation was too limited, and the final regulation attempts to balance the control factor against the efficiency factor by providing a role for Agents between these approaches. The requirement of a direct "pass-through" of loans has been eliminated, but Agents will still be required to base their applications to the Facility on specific, demonstrable liquidity needs of natural person credit unions. An Agent's applications to the Facility can be based on pending applications to the Agent for loans to meet liquidity needs, as well as on existing loans in the Agent's portfolio which were made to meet liquidity needs (Section 725.17(b)(2)). Agents will also be permitted to set the rates on loans to meet liquidity needs on which applications to the Facility are based.

This mode of operation provides much greater flexibility for Agents, and will permit them to handle Facility activity in much the same manner as their other loan activity is handled. A more detailed discussion of how Agents will handle Facility activity is provided in section 11 of the "Analysis of the Regulation" in this Preamble.

The final regulation also includes a provision which permits the NCUA Board to specify other indicia of liquidity needs on which applications to the Facility can be based, thereby providing greater flexibility for future operations if conditions warrant it (Section 725.17(b)(2)(iii)).

8. Other Changes

(a) In order to avoid a double stock subscription when a natural person credit union is a member of more than one Agent member, the stock subscription for Agents has been modified to exclude the assets of any credit union whose capital and surplus have been included in calculating the stock subscription of another Agent (Section 725.4(a)(2)). A credit union in this category will have to choose one Agent through which it will access the Facility, and that Agent will be responsible for subscribing to stock based on that credit union's assets (see footnote 2 to the regulation). This is authorized because the statute exhibits an intent to prevent double stock subscriptions.

(b) The provisions on voluntary termination of membership (Section 725.6 (a), (b)) have been changed to require written notice to the NCUA Board of the decision to terminate membership. This change is made to avoid the possibility of disagreement over the date when notice to terminate was given for purposes of beginning the waiting period.

(c) Credit unions which apply for membership prior to October 1, 1979, and central credit unions approved as Agents prior to October 1, 1979, do not have to forward the required portion of the stock subscription until October 1, 1979 (footnotes 1 and 3 to §§ 725.3 and 725.4).

(d) Agent members will be required to submit a list of all their member natural person credit unions as a condition of membership (Section 725.4(a)(3)(iii)).

(e) Greater detail has been provided regarding adjustments to Agents' stock subscriptions when a member natural person credit union joins the Agent (Section 725.4(e)) or withdraws from the Agent (Section 725.6(d)(2)).

(f) The definition of "central credit union" (Section 725.2(d)) has been modified so that the "50% of activity" test is based on total activity with other credit unions as a percentage of total activity, rather than as a percentage of total *member* activity.

(g) An additional criterion to be considered by the NCUA Board before approving an application for Agent membership has been added as § 725.4(b)(6). The NCUA Board must be satisfied that Agents will deal with all natural person credit unions evenhandedly and will not discriminate against certain members because of political or other factors not relevant to creditworthiness. As an example, NCUA will consider whether any subsidy received by a prospective Agent member will interfere with the ability of the prospective Agent to act fairly and independently when representing the Facility in dealing with natural person credit unions. This criterion has been added in response to concerns expressed to NCUA that "political considerations" have, in the past, played a significant role in the operations of central credit unions.

(h) A number of changes were required to conform sections of the regulation to the change permitting Agents to base applications to the Facility on existing loans to meet liquidity needs in addition to pending applications for such loans (See § 725.17(b)(2) of the regulation and Section 11 of the Analysis of the Regulation in this Preamble). The term "Agent loan" has been defined (Section 725.2(c)), and the loan application (Section 725.17(b) (2), (4)), creditworthiness (Section 725.18(b)), collateral (Section 725.19(b), and loan terms (Section 725.20(b)) provisions have been adjusted to conform to the change.

(i) Language has been added to clarify that (1) the waiting period for voluntary withdrawal of membership will be based only on the required membership stock subscription and not on any elective purchases of shares of Facility stock (Sections 725.2(p) and 725.6 (a), (b)); (2) any shares of stock in the Facility in excess of those required can be redeemed at any time (Section 725.5(d)); and (3) upon involuntary termination of membership in the Facility, the member's stock will be redeemed without any waiting period (Section 725.6(d)(1)).

(j) A number of non-substantive changes have been made in the organization of the regulation.

Analysis of the Regulation

Membership

1. *Types of Membership.*

Membership in the Facility is available to both Federal and state-chartered credit unions. Two types of membership in the Facility are provided for in the Act and the regulation: *Regular* membership and *Agent* membership. Regular membership (Section 725.3) is available only to the traditional type of credit unions which primarily serve natural persons. Agent membership (Section 725.4), on the other hand, is open only to credit unions or groups of credit unions which primarily serve other credit unions. For purposes of distinguishing these two types of credit unions, the Facility will use a "50 percent of activity test"—that is, a credit union with more than 50 percent of its activity (basically, the sum of shares and loans) devoted to natural persons will be classified as a "natural person credit union" (Section 725.2(1)), while a credit union with more than 50 percent of its activity devoted to other credit unions will be considered to be a "central credit union" (Section 725.2(d)).

2. *Regular Membership*

"Regular" membership is, by statute, available only to natural person credit unions and this is reflected in Section 725.3. In order to become a Regular member of the Facility, a natural person credit union must submit an application, copies of its charter and bylaws (unless these are already on file with NCUA), and its most recent month-end financial and statistical report, and must also subscribe to the capital stock of the Facility.

The amount of the required stock subscription is one-half of 1 percent of the credit union's "paid-in and unimpaired capital and surplus," a term defined in Section 725.2(n) of the regulation. Only one-half of the required stock subscription—in other words, one-quarter of 1 percent of paid-in and unimpaired capital and surplus—must be paid to the Facility (Section 725.3(a)(2)), while the other one-half of the stock subscription must be held by the member on call of the NCUA Board and invested in specified assets (Section 725.5(c)). Section 725.3(a)(2) requires that an applicant for Regular membership forward the portion of its stock subscription that must be paid to the Facility with its application (except that credit unions applying prior to October 1, 1979, are not required to forward these funds until October 1, 1979). The stock subscription will be adjusted annually to reflect changes in the member's paid-in and unimpaired capital and surplus (Section 725.5(b)(2)).

3. *Agent Membership*

"Agent" membership is, by statute, available only to "a credit union or group of credit unions primarily serving other credit unions" (12 U.S.C. 1795c(b)), and this is reflected in Section 725.4. Thus, a single central credit union or a group of central credit unions can apply to become an Agent member of the Facility.

Section 725.4 of the regulation sets out the steps which must be taken by a central credit union or group of central credit unions desiring Agent membership. As in the case of Regular members, a prospective Agent member must submit an application, copies of its charter and bylaws (unless already on file at NCUA), its most recent month-end financial and statistical report, and a list of all its member natural person credit unions. When a group of central credit unions applies for Agent membership, these documents and reports must be submitted by each central credit union in the group.

Agent members must also subscribe to capital stock of the Facility. Section 725.4(a)(2) provides that the amount of the stock subscription is one-half of 1 percent of the paid-in and unimpaired capital and surplus of all the natural person credit unions which are members of the applicant central credit union or, in the case of a group of central credit unions, which are members of any central credit union in the group. When a group of central credit unions applies for Agent membership, one central credit union in the group must be designated in the membership application as the "Agent group representative," and the Agent group representative must subscribe to the capital stock of the Facility (Section 725.4(a)).

In order to prevent double stock subscriptions, Agent members do not have to consider the paid-in and unimpaired capital and surplus of any of their members which choose to join the Facility as Regular members. Also, any natural person credit union which is a member of more than one Agent member will designate through which Agent it desires to access the Facility, and only the designated Agent will have to subscribe to capital stock based on the capital and surplus of the natural person credit union (Section 725.4(a)(2); footnote 2).

As in the case of Regular members, only one-half of the required stock subscription must be *paid* to the Facility (Section 725.4(a)(2)), while the remainder will be on call of the NCUA Board and must be invested in any of the assets specified in § 725.5(c). Since Agent applicants must receive approval of the NCUA Board in order to become an Agent member, § 725.4(a)(2) does not require Agent applicants to forward the amount representing one-half of their required stock subscription until the NCUA Board approves them (or until October 1, 1979, whichever is later).

Prospective Agent members should note that the Facility will look to the Agent applicant, and not to its individual credit union members, for the required stock subscription. Federally chartered central credit unions can establish membership requirements which enable them to pass the cost of the stock subscription through to its members (NCUA will confirm by regulation that federally chartered central credit unions can set such requirements). Applicable State law will govern whether State chartered central credit unions can set similar membership requirements.

As is the case with Regular members, an Agent member's stock subscription will be adjusted annually to reflect changes in the paid-in and unimpaired capital and surplus of the Agent's member natural person credit unions (Section 725.5(b)). In addition, within 30 days after a natural person credit union becomes a new member of an Agent, the Agent will be required to subscribe to the appropriate amount of capital stock for that credit union and forward one-half of the subscription to the Facility (Section 725.4(e)).

Section 725.4(a) requires that applicants for Agent membership receive the approval of, and agree to supervision by, the NCUA Board in order to become an Agent member. These requirements are imposed because they are required by the Act (12 U.S.C. 1795c(b)), and because Agent members will be operating essentially as an arm of the Facility. It is necessary that the Facility be assured that the management, operations, and financial condition of its Agent members are sound. Criteria which will be considered by the NCUA Board in determining whether to approve an applicant to become an Agent member are specified in §725.4(b). In the case of a group of central credit unions, each central credit union in the group must meet these criteria.

In addition, to insure the continued integrity of Facility operations, Agents must agree to comply with all regulations and reporting requirements that may be imposed by the Facility on Agent members (Section 725.4(a)(4)), and to submit to unrestricted examination by the NCUA Board or its designee (Section 725.4(a)(5)).

4. *Access to Facility Funds*

Although central credit unions are eligible for Agent membership in the Facility, the Facility is authorized to lend only to meet the liquidity needs (Section 725.2(g)) of *natural person credit unions.* This means that Agent members' borrowings from the Facility must be based on documentable liquidity needs of the natural person credit unions which they serve.

Thus, natural person credit unions desiring access to the Facility have a choice as to how to deal with the Facility. A natural person credit union can join the Facility directly as a Regular member, in which case the credit union will submit its loan applications directly to, receive its loans directly from, and, in general, communicate and carry on its dealings directly with, the Facility.

In the alternative, a natural person credit union can gain access to the Facility as a member of a central credit union which is an Agent member of the Facility. In this case, the natural person credit union would not itself be a member of the Facility, but would have indirect access to Facility funds "through" the Agent member. Credit unions choosing to gain access to Facility funds in this manner will deal only with the Agent member and not directly with the Facility. Applications for loans to meet liquidity needs will be submitted to the Agent, and the loans will be made by the Agent. The Agent will be able to access the Facility for funds based on these liquidity needs.

The fact that a credit union is a member of a central credit union which is an Agent does not prevent that credit union from choosing Regular membership and dealing directly with the Facility.

5. *Capital Stock*

The Central Liquidity Facility is a corporation and, as such, will issue capital stock. Members must subscribe to Facility capital stock in specified amounts (Sections 725.3(a), 725.4(a)) and are actually the owners of the Facility, although the shares are nonvoting and carry no control over management of the Facility.

Shares of stock in the Facility will have a par value of $50 each, and the Facility will issue whole and fractional shares. Ownership of shares will be entered solely on the records of the Facility in share accounts similar to credit union share accounts, and no certificates or other evidences of ownership will be issued. Shares cannot be transferred or hypothecated except to the Facility (Section 725.5(a)).

The payment of dividends is provided for in § 725.5(e). Dividends will be paid on capital stock (including fractional shares) no less frequently than annually by crediting the member's capital stock account. The rates and time for payment of dividends will be determined by the NCUA Board. Dividends will be paid only on capital stock that has been issued (paid for) and will not be paid on the on-call portion of the stock subscription (unless it is invested in shares of Facility stock).

6. *On-call Portion of the Stock Subscription*

The "on-call" portion of a member's (Regular and Agent) stock subscription must be invested in specific types of liquid assets which are specified in § 725.5(c). These investments are intended to correspond to the investments which will qualify as "liquid assets" under NCUA's recently proposed "Liquidity Reserve" regulation (44 FR 33094, June 8, 1979), so that the on-call portion (as well as the paid-in portion) of the member's stock subscription will count towards any liquidity reserve that may be required by NCUA (note that since NCUA's Liquidity Reserve regulation is not final, the permissible investments specified in § 725.5(c) for the on-call portion of the stock subscription are subject to change if and when that regulation becomes final). Briefly, the permissible investments for the "on-call" portion are as follows:

a. Additional shares of Facility stock;

b. Shares or deposits in central credit unions or in non-credit union federally insured financial institutions (1 year maximum maturity);

c. U.S. Government, U.S. Government-guaranteed, and certain Agency securities (1 year maximum maturity); and

d. Investments in common trust funds or similar funds of securities authorized for investment by Federal credit unions. Investments in such funds will be valued net of deferred losses, and only funds providing daily liquidity will qualify.

The NCUA Board may prescribe additional investments which will qualify for the on-call portion of the stock subscription, as well as change the types of investments already prescribed.

In the event that the NCUA Board finds it necessary to make a "call" against the "on-call" portion of the stock subscription, the call will be issued against all members in proportion to their capital stock subscriptions, and will not single out individual credit unions or groups of credit unions.

7. *Purchases of Additional Facility Stock*

Any member of the Facility may, at any time, purchase additional Facility stock over and above the amount of the required stock subscription (Section 725.5(d)). Such stock will earn dividends, and can be withdrawn by the member as long as the member's required paid-in portion of its stock subscription is maintained and the member holds other qualifying investments in the amount of the required "on-call" portion of the stock subscription.

8. *Termination of Membership*

The regulations provide for both voluntary and involuntary termination of membership. As provided in the Act, the provisions on voluntary withdrawal from membership (Section 725.6 (a), (b) and (d)) provide for the redemption of stock at the purchase price after a waiting period of 24 months for large members (5 percent or more of total subscribed Facility stock) and 6 months for all other members. When a member natural person credit union withdraws from membership in an Agent, the Agent's stock subscription will be adjusted after the waiting period that would apply if the natural person credit union were withdrawing from membership in the Facility (Section 725.6(d)(2)). Note that, for purposes of determining the applicable waiting period for withdrawal from membership, only the amount of the required stock subscription (including the on-call portion) is relevant; any elective purchases of shares will not in any case cause a credit union whose required stock subscription is less than 5 percent of total subscribed Facility stock to have to wait more than 6 months to withdraw from membership (Sections 725.2(p) and 725.6 (a), (b)).

Section 725.6 (c) and (d) provides for involuntary termination of membership in the Facility. The regulation gives a member the right to a hearing before having its membership terminated. A credit union whose membership is terminated involuntarily will have its stock redeemed upon termination (no waiting period) at the purchase price, and will not be permitted to rejoin the Facility until the NCUA Board is satisfied that the credit union will comply with all applicable laws and regulations.

Lending

9. *Liquidity Needs*

The Central Liquidity Facility was established to provide a source of funds to meet "Liquidity needs" of natural person credit unions. "Liquidity needs" is defined at § 725.2(g), which tracks the Act's definition and indicates the three types of loans which the Facility is authorized to make. These are:

(a) *Short-term adjustment credit*—for example, credit to meet a temporary shortage of funds due to a large withdrawal or a delay

in receiving payroll deduction funds from a sponsor;

(b) *Seasonal credit*—for example, credit to meet a shortage of funds due to summer share withdrawals from a teachers' credit union; and

(c) *Protracted adjustment credit*—for example, a long term funds shortage due to the closing of a factory and the resulting unemployment of members.

The Facility is authorized only to make loans to meet liquidity needs, and is specifically prohibited by statute from making any loan "the intent of which is to expand credit union portfolios" (12 U.S.C. 1795e(a)(1)).

10. *Extensions of credit to Regular members*

Natural person credit unions which choose to become Regular members will deal directly with the Facility. Regular members will submit their applications for credit to a Facility lending officer (Section 725.17(d)) either at the Washington office, a Regional office, or at some other designated location. The application will be reviewed and the creditworthiness of the applicant will be considered (Section 725.18(a)) as required by the Act. Section 725.17(d) provides that applications for advances will be approved or denied within five working days after they are received.

Normally, applications for extensions of credit must be in writing, although other forms of application may be developed later. In emergency circumstances, § 725.17(c) permits verbal applications with confirmation in writing.

11. *Extensions of Credit to Agent members*

Agent members will, like Regular members, deal directly with the Facility, but their applications for extensions of credit must be based on the documentable liquidity needs of their member natural person credit unions (Section 725.17(b)(2)).

When an Agent member receives an application from one of its member natural person credit unions for an advance of funds to meet liquidity needs, the Agent will review the application, consider the applicant's creditworthiness (Section 725.18(b)), and approve or deny the loan. The Facility will provide Agents with criteria and guidelines for approving loans eligible for Facility funds. Applications which fall outside the guidelines can be referred to the Facility for final action.

If the Agent approves the application, the Agent can immediately apply to the Facility for funds to make the loan (Section 725.17(b)(2)(i)), or can make the loan out of its own funds. If the Agent makes the loan out of its own funds, the Agent can apply to the Facility for funds at some subsequent time using the liquidity needs met by that loan as the basis for the application (Section 725.17(b)(2)(ii)). In either case, any loan by the Agent to meet liquidity needs which serve as the basis for an Agent's application to the Facility must:

a. Have been applied for in accordance with Facility application requirements (Section 725.17(b)(4));

b. Meet the purpose and creditworthiness criteria set by the Facility (Sections 725.17(b)(2) and 725.18(b)); and

c. Be granted subject to the repayment, security and credit reporting terms prescribed by the Facility (Section 725.20(b)).

The Agent will set the interest rate on such loans.

Agents may base applications to the Facility on an individual application or loan, or on a package of applications and/or loans. Any loan which meets liquidity needs which serve as the basis for an application to the Facility is considered an "Agent loan" under the regulation (Section 725.2(c)). It should be noted that a loan by an Agent might not be an "Agent loan" when made, but would become an "Agent loan" if an application to the Facility is subsequently based on it. Thus, it is anticipated that Agents will handle all requests for loans to meet liquidity needs as though they will serve as a basis for an application to the Facility to preserve the option to use them for that purpose.

Agent members will be compensated for the services they perform for the Facility in such manner as may be specified by the NCUA Board (Section 725.4(g)) from time to time. The amount of compensation will be such that an Agent does not lose money in performing the services of an Agent member of the Facility.

12. *Creditworthiness*

Prior to any advance of Facility funds, the Act requires that the creditworthiness of the Regular member receiving the advance, or of the natural person credit union on whose liquidity needs the Agent's application is based, must be considered (12 U.S.C. 1795e). This creditworthiness assessment will be done by the Facility for Regular members (Section 725.18(a)), and by the Agent for credit unions with access to the Facility through the Agent (Section 725.18(b)). Sources of information pertaining to an applicant's creditworthiness include Federal and State supervisory and/or insurance agencies and lenders associated with the applicant. Section 725.18(c) lists some of the factors which will be considered in assessing creditworthiness, and § 725.18(d) indicates that natural person credit unions that do not meet the creditworthiness standards will either be limited in or denied advances for liquidity needs.

13. *Collateral Requirements*

Advances by the Facility to Regular members will be secured by all the assets of the Regular member (Section 725.19(a)). Loans by an Agent member on which an application to the Facility is based (Agent loans) must be secured by all the assets of the natural person credit union to which the loan was made (Section 725.19(b)). Advances by the Facility to Agent members (Section 725.19(c)) will be secured by all the Agent's "Agent loans" as well as by the collateral securing such loans (i.e., all the assets of the natural person credit unions receiving "Agent loans").

The Facility and the Agent will have the right to perfect the security interest held by them at any time by filing or taking possession of the collateral, but it is intended that, under normal circumstances, the security interest will not be perfected and the collateral will remain in the possession of the natural person credit union so as not to interfere with its normal operations.

14. *Repayment, Security and Credit Reporting Agreement*

In order to eliminate the need to sign documents each time an advance is made, the Facility will require all its members, both Regular and Agent, to sign a repayment, security and credit reporting agreement governing all advances made by the Facility (Section 725.20(a)). Additionally, the Facility will require that any "Agent loan" be made subject to the repayment, security and credit reporting terms prescribed by the Facility (Section 725.20(b)), which terms will be essentially the same as those of the agreement between the Facility and its Regular members.

The agreements will include a promise to repay all advances, the security agreement, and such other loan terms as can be known in advance. Other more specific terms, such as the amount, maturity, and interest rate, will be disclosed in a confirmation that will be sent out at the time each advance is made, and/or in operating circulars of the Facility (Section 725.20(c)). The agreements will also include a credit reporting agreement which will set reporting requirements to enable the Facility to obtain information bearing on the status of the Facility advances and of "Agent loans."

Section 725.21 provides that the agreements governing Facility advances and "Agent loans" are subject to modification from time to time by the

NCUA Board. Changes will be made by publishing notice of the change in the **Federal Register.** Any such change will apply to advances made after the effective date of the change. This provides a means of updating all existing agreements without necessitating the signing of new agreements by all credit unions with access to Facility funds each time a change is made in the agreement terms.

15. *Other Facility Advances*

Section 725.22 implements Section 1795f(16) of the Act and provides for advances to State insurance funds. The terms governing Facility advances to State insurance funds are set by the Act, and § 725.22 reflects the statutory provisions.

State insurance funds have access to the Facility, but they are not "members" of the Facility and have no stock subscription requirements. Advances to State insurance funds are not intended to provide credit unions which do not otherwise have access to the Facility a means of circumventing the Facility's membership requirements. Therefore, a credit union which receives Facility funds through a State insurance fund will receive them subject to stringent conditions.

The provisions of § 725.23 provide for expanded Facility lending authority when in the national interest. The authority for lending under this section is based on the following remarks of Congressman St Germain on this aspect of Public Law 96–630:

"Additionally, the committee believes the Facility should be available to enhance the Federal Government's ability to improve economic well-being and expects the Facility to be operated in close consultation with the Federal Reserve Board and Department of Treasury. At present, recession avoidance depends on appropriate fiscal and monetary policies and credit extensions supportive of the mortgage market by the Federal Home Loan Bank System.

"To assure the Facility is able to contribute to national economic well-being by stimulating consumer lending when it is in the national interest, your committee expects the non-expansionary provision not to apply if a determination is made by the Federal Reserve Board, Department of the Treasury, and National Credit Union Administration, that the national economic interest would be served by stimulating consumer buying by expanding the loan base of credit unions through expansionary Facility lending. In this way, the availability of the Facility to enhance economic well-being would be preserved while at the same time assuring that this capability would be exercised only with the concurrence of the Department of Treasury and the Federal Reserve Board.

"Your committee expects the Administrator to promulgate regulations as necessary to give effect to the full range of lending activities that are appropriate for the Facility (124 *Cong. Rec.* E5953 (11/9/78))."

16. *Effective Date*

NCUA, for good cause, finds that it is necessary for this regulation to go into effect upon publication in the **Federal Register** (August 23, 1979) rather than 30 days after publication as is NCUA's normal practice. The Act directs the NCUA Board to open the books of the Facility for capital stock subscriptions "as soon as practicable" (12 U.S.C. 1795d(a)), and provides a target date of October 1, 1979, for beginning Facility operations. NCUA believes that, in view of economic forecasts of tight money in the last quarter of 1979 and other factors such as the uncertainty over the future of share drafts, the potential for liquidity problems is very real and that it is essential to begin operations on October 1. Thus, the Facility must begin accepting and acting upon applications for membership, particularly those for Agent membership, as soon as possible. Since prospective members have six months to submit membership applications in order to gain full membership rights without any waiting period, NCUA believes that making this regulation effective upon publication will not result in injury to any party. The official responsible for this determination is James L. Skiles, Deputy General Counsel.

Accordingly, new Part 725, as set forth below, is added to the National Credit Union Rules and Regulations.

Lawrence Connell,

Chairman.

August 20, 1979.

New Part 725, as follows, is added to Chapter VII of Title 12 of the Code of Federal Regulations:

PART 725: NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

725.1 Scope.
725.2 Definitions.
725.3 Regular membership.
725.4 Agent membership.
725.5 Capital stock.
725.6 Termination of membership.
725.7—725.16 Reserved.
725.17 Applications for extensions of credit.
725.18 Creditworthiness.
725.19 Collateral requirements.
725.20 Repayment, security and credit reporting agreements; other terms and contitions.
725.21 Modification of agreements.
725.22 Advances to insurance organizations.
725.23 Other advances.

Authority: Sections 301–307 of the Federal Credit Union Act, 92 Stat. 3719–3722 (12 U.S.C. 1795–1795f).

§ 725.1 Scope.

This Part contains the regulations implementing the National Credit Union Central Liquidity Facility Act, Subchapter III of the Federal Credit Union Act. The National Credit Union Administration Central Liquidity Facility is a mixed-ownership Government corporation within the National Credit Union Administration. It is managed by the National Credit Union Administration Board and is owned by its member credit unions. The purpose of the Facility is to improve the general financial stability of credit unions by meeting their liquidity needs and thereby encourage savings, support consumer and mortgage lending and provide basic financial resources to all segments of the economy.

§ 725.2 Definitions.

As used in this Part:

(a) "Agent" means an Agent member of the Facility.

(b) "Agent group" means an Agent member of the Facility consisting of a group of central credit unions, one of which is designated as the group's "Agent group representative" and authorized to transact business with the Facility on behalf of the group or any member of the group.

(c) "Agent loan" means an advance of funds by an Agent to a member natural person credit union to meet liquidity needs which have been the basis for a Facility advance.

(d) "Central credit union" means a Federal or state-chartered credit union primarily serving other credit unions. A credit union is primarily serving other credit unions when the total dollar amount of the shares and deposits received from other credit unions plus loans to other credit unions exceeds 50 percent of the total dollar amount of all shares and deposits plus loans during the qualifying period, as defined in paragraph (o) of this section.

(e) "Facility" or "Central Liquidity Facility" means the National Credit Union Administration Central Liquidity Facility.

(f) "Facility advance" means an advance of funds by the Facility to a Regular or Agent member.

(g) "Facility lending officer" means any employee of the Facility or the National Credit Union Administration who has been designated by the NCUA Board as a Facility lending officer.

(h) "Liquidity needs" means the needs of credit unions primarily serving natural persons for:

(1) Short-term adjustment credit available to assist in meeting temporary requirements for funds or to cushion more persistent outflows of funds

pending an orderly adjustment of credit union assets and liabilities;

(2) Seasonal credit available for longer periods to assist in meeting seasonal needs for funds arising from a combination of expected patterns of movement in share and deposit accounts and loans; and

(3) Protracted adjustment credit available in the event of unusual or emergency circumstances of a longer term nature resulting from national, regional or local difficulties.

(i) "Management policies" means policies of a credit union with respect to membership, shares, deposits, dividends, interest rates, lending, investing, borrowing, safeguarding of assets, hiring, training and supervision of employees, and general operating and control practices and procedures.

(j) "Member" means a Regular or Agent member of the Facility, unless the context indicates otherwise.

(k) "Member natural person credit union" means a natural person credit union which is a member of an Agent or of any central credit union in an Agent group. Member natural person credit unions are not members of the Facility unless they are also Regular members of the Facility.

(l) "Natural person credit union" means a Federal or state-chartered credit union primarily serving natural persons. A credit union is primarily serving natural persons if it is not a central credit union as defined in paragraph (d) of this section.

(m) "NCUA Board" or "Board" means the National Credit Union Administration Board.

(n) "Paid-in and unimpaired capital and surplus" means the balance of the paid-in share accounts and deposits as of a given date, less any loss that may have been incurred for which there is no reserve or which has not been charged against undivided earnings, plus the credit balance (or less the debit balance) of the undivided earnings account as of a given date, after all losses have been provided for and net earnings or net losses have been added thereto or deducted therefrom. Statutory reserves or special reserves required by regulation or special agreement between the credit union and its regulatory authority or between the credit union and its member account insurer shall not be considered as part of surplus.

(o) "Qualifying Period" means:

(1) For initial qualification, any 7 months out of the 12 months immediately preceding the month in which application is made to become a member of the Facility; and

(2) For qualification during each subsequent calendar year, any 7 months out of the previous calendar year.

(p) "Stock subscription" means the stock subscription required for membership in the Facility. "Total subscribed Facility stock" is the sum of all members' stock subscriptions.

§ 725.3 Regular membership.

(a) A natural person credit union may become a Regular member of the Facility by:

(1) Making application on a form approved by the Facility;

(2) Subscribing to capital stock of the Facility in an amount equal to one-half of 1 percent of the credit union's paid-in and unimpaired capital and surplus, as determined in accordance with § 725.5(b) of this Part, and forwarding with its completed application funds equal to one-half of this stock subscription;[1] and

(3) Furnishing the following reports and documents with the completed membership application:

(i) A copy of the credit union's financial and statistical report for the most recent calendar month; and

(ii) Copies of the credit union's charter and bylaws, unless the credit union is federally chartered.

(b) A credit union which becomes a Regular member of the Facility after February 23, 1980, may not receive Facility advances without approval of the NCUA Board for a period of six months after becoming a member. This subsection shall not apply to any credit union which becomes a Regular member of the Facility within six months after such credit union is chartered, or which has had access to Facility funds through an Agent member of the Facility at any time within six months prior to becoming a Regular member of the Facility.

§ 725.4 Agent membership.

(a) A central credit union or a group of central credit unions may become an Agent member of the Facility by (in the case of a group of central credit unions, each central credit union in the group must do each of the following except for paragraph (a)(2) of this section, which shall be done by the Agent group representative):

(1) Making application on a form approved by the Facility;

(2) Subscribing to the capital stock of the Facility in an amount equal to one-half of 1 percent of the paid-in and unimpaired capital and surplus (as determined in accordance with § 725.5(b) of this Part) of all the central credit union's or central credit union group's member natural person credit unions, except those which are Regular members of the Facility or which have access to the Facility through, and are included in the stock subscription of, another Agent.[2] Upon approval of the application, the Agent shall forward funds equal to one-half of this initial stock subscription to the Facility.[3]

(3) Furnishing the following reports and documents with the completed membership application:

(i) A copy of the central credit union's financial and statistical report for the most recent calendar month;

(ii) Copies of the central credit union's charter and bylaws, unless such credit union is federally chartered; and

(iii) A list of all the central credit union's member natural person credit unions.

(4) Agreeing to submit to the supervision of the NCUA Board and to comply with all regulations and reporting requirements which the NCUA Board shall prescribe for Agent members;

(5) Agreeing to submit to periodic unrestricted examinations by the NCUA Board or its designee; and

(6) Obtaining the written approval of the NCUA Board.

(b) The NCUA Board may approve a central credit union or group of central credit unions as an Agent member of the Facility, provided the NCUA Board is satisfied that such credit union or credit union group meets certain criteria, including but not limited to the following (in the case of a group of central credit unions, each central credit union in the group must meet these criteria):

(1) The management policies are in writing, approved by the central credit union's board of directors, and reviewed annually by such board;

(2) Adequate internal controls are in place to assure accurate and timely reporting of transactions and the safeguarding of assets;

(3) The financial condition of the central credit union is sound with adequate reserves for losses;

(4) Surety bond coverage provides protection for the central credit union while the central credit union is

[1] A credit union which submits its application for membership prior to October 1, 1979, is not required to forward these funds to the Facility until October 1, 1979.

[2] A natural person credit union which is a member of more than one Agent member of the Facility must designate through which Agent it will deal with the Facility, and the designated Agent will be responsible for including the capital and surplus of such credit union in the calculation of its stock subscription.

[3] If the application is approved prior to October 1, 1979, these funds are not required to be forwarded to the Facility until October 1, 1979.

performing the duties of an Agent member of Facility;

(5) Management has demonstrated its ability to use such techniques as cash flow analysis, budgeting, and projections of sources and uses of funds to manage the affairs of the central credit union efficiently and in conformity with sound business practices; and

(6) There are no practices, procedures, policies, or other factors that would result in discrimination by the central credit union among natural person credit unions or inhibit its ability to act independently in its role as an Agent member of the Facility.

(c) Each Agent, or in the case of an Agent group, each central credit union in the group, must:

(1) Maintain records related to Facility activity in conformity with requirements prescribed by the NCUA Board from time to time; and

(2) Submit such reports as may be required by the Facility to determine financial soundness, quality and level of service, and conformity with established guidelines and procedures.

(d) Each Agent, or in the case of an Agent group, each central credit union in the group, must have on an annual basis a third party independent audit of its books and records and provide the Facility with copies of the report of such audit. The auditor selected must be recognized by a State or territorial licensing authority as possessing the requisite knowledge and experience to perform audits.

(e) Within 30 days after a natural person credit union becomes a member of a central credit union which is an Agent or a member of an Agent group, the agent, or in the case of an Agent group, the Agent group representative, shall subscribe to additional capital stock of the Facility in an amount equal to one-half of 1 percent of such credit union's paid-in and unimpaired capital and surplus, and shall forward funds equal to one-half of this stock subscription to the Facility. This subsection shall not apply if the natural person credit union is a Regular member of the Facility or has access to the Facility through, and is included in the stock subscription of, another Agent.

(f) A central credit union or group of central credit unions which becomes an Agent member of the Facility after February 23, 1980, may not receive a Facility advance without approval of the NCUA Board for a period of six months after becoming a member. This subsection shall not apply to any credit union which becomes an Agent member or a member of an Agent group within six months after such credit union is chartered within six months after such credit union has been an Agent or a member of another Agent group.

(g) Agent members will be compensated for the services they perform for the Facility in a manner to be specified by the NCUA Board.

§ 725.5 Capital stock.

(a) The capital stock of the Facility is divided into nonvoting shares having a par value of $50 each. The Facility issues whole and fractional shares. Shares are issued in book entry form upon receipt of payment for such shares, and cannot be transferred or hypothecated except to the Facility.

(b) The capital stock subscriptions provided for in §§ 725.3 and 725.4 shall be:

(1) Based on an arithmetic average of paid-in and unimpaired capital and surplus over the six months preceding application for membership, and

(2) Adjusted at the close of each calendar year in accordance with an arithmetic average of paid-in and unimpaired capital and surplus over the twelve months in such calendar year. Payments for adjustments to the capital stock subscription must be received by the Facility no later than March 31 of the following year.

(c) That part of a member's stock subscription which is not paid-in shall be held by the member on call of the NCUA Board and shall be invested in:

(1) Additional shares of Facility stock;

(2) Share or deposit accounts with remaining maturities of 1 year or less maintained in central credit unions or institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(3) Investments in obligations of the United States or an Agency thereof, or securities fully guaranteed as to principal and interest thereby, which are authorized under 12 U.S.C. 1757(7) and which have a remaining maturity of 1 year or less;

(4) Investments in common trust funds (net of deferred losses) or similar funds of securities authorized for investment by Federal credit unions, that provide daily liquidity; or

(5) Such other assets as the NCUA Board may prescribe from time to time.

(d) Any member may at any time purchase additional shares of capital stock in the Facility. Any shares in excess of the member's required paid-in portion of its stock subscription can be redeemed by the member as long as the member maintains investments in other assets sufficient to meet the requirement of paragraph (c) of this section. The member's required paid-in portion of its stock subscription includes one-half of its stock subscription plus any "calls" that may have been issued by the NCUA Board against the "on-call" portion of such stock subscription.

(e) Dividends will be paid on capital stock at such times and rates as are determined by the NCUA Board. The NCUA Board shall declare such dividends no less frequently than annually. All issued (paid for) capital stock shall share in dividend distributions without preference. Payment of dividends will be made by the issuance of capital stock to the member in the amount of the dividend.

§ 725.6 Termination of membership.

(a) A member of the Facility whose stock subscription constitutes less than 5 percent of total subscribed Facility stock may withdraw from membership in the Facility six months after notifying the NCUA Board in writing of its intention to do so.

(b) A member of the Facility whose stock subscription constitutes 5 percent or more of total subscribed Facility stock may withdraw from membership in the Facility twenty-four months after notifying the NCUA Board in writing of its intention to do so.

(c) The NCUA Board may terminate membership in the Facility if, after the opportunity for a hearing, the NCUA Board determines the member has failed to comply with any provision of the National Credit Union Central Liquidity Facility Act or any regulation issued pursuant thereto. If membership is terminated under this subsection, the credit union will be required to obtain the approval of the NCUA Board before becoming a member of the Facility again. Such approval will be granted only if the NCUA Board is satisfied that the credit union will comply with such Act and regulations.

(d) (1) If membership is terminated under any provision of this section, the terminated member's stock shall be redeemed upon termination. In such event, the Facility may retain any amount owed to the Facility by the member.

(2) When a member natural person credit union withdraws from membership in a central credit union which is an Agent or a member of an Agent group, the stock subscription of the Agent, or in the case of an Agent group, the stock subscription of the Agent group representative, will be adjusted after the waiting period which would apply under paragraph (a) or (b) of this section if the withdrawing credit union were a member of the Facility.

§ 725.7–§ 725.16 [Reserved]

§ 725.17 Applications for extensions of credit.

(a) A Regular member may apply for a Facility advance to meet its liquidity needs by filing an application on a Facility-approved form, or by any other method approved by the Facility.

(b)(1) An Agent member may apply for a Facility advance by filing an application on a Facility-approved form, or by any other method approved by the Facility.[4]

(2) The Agent's application shall be based on the following:

(i) Approved applications to the Agent by its member natural person credit unions for pending loans to meet liquidity needs; or

(ii) Outstanding loans previously made by the Agent to meet liquidity needs of its member natural person credit unions; or

(iii) Such other demonstrable liquidity needs as the NCUA Board may specify.

(3) An Agent shall not submit an application to the Facility based on the liquidity needs of any member natural person credit union which has not agreed to the repayment, security and credit reporting terms prescribed by the Facility for Agent loans;

(4) Any loan to meet liquidity needs which have been or will be the basis for an application by the Agent for a Facility advance must be applied for on an application form approved by the Facility.

(5) Unless approved by the Facility, an Agent shall not submit an application to the Facility based on the liquidity needs of any credit union which became a member natural person credit union of the Agent after February 2, 1980, unless such credit union has been a member natural person credit union of the Agent for six months, was chartered within six months before becoming a member natural person credit union of the Agent, or had access to the Facility either as a Regular member or through another Agent within six months before becoming a member natural person credit union of the Agent.

(c) In emergency circumstances, the applications for extensions of credit required under paragraph (a) and paragraphs (b)(1) and (b)(4) of this section may be verbal, but must be confirmed within five working days by an application as required by such subsection or paragraphs.

(d) Applications of Regular and Agent members shall be filed with a Facility lending officer. Each application for credit which is completed and properly filed will be approved or denied within five working days after the day of receipt.

§ 725.18 Creditworthiness.

(a) Prior to Facility approval of each application of a Regular member for a Facility advance, the Facility shall consider the creditworthiness of such member.

(b) Prior to an Agent's approval of each application of a member natural person credit union for an extension of credit on which an application by the Agent to the Facility will be based, an Agent shall consider the creditworthiness of such member natural person credit union.

(c) Specific characteristics of an uncreditworthy credit union include, but are not limited to, insolvency as defined by § 700.1(k) of this Chapter, unsatisfactory practices in extending credit, lower than desirable reserve levels, high expense ratio, failure to repay previous Facility advances as agreed, excessive dependence on borrowed funds, inadequate cash management policies and planning, or any other relevant characteristics creating a less than satisfactory condition. The presence of one or more of these characteristics will not necessarily mean that a credit union will be considered uncreditworthy.

(d) A natural person credit union (whether a Regular member of the Facility or a member natural person credit union) which does not meet the Facility's creditworthiness standards may be limited in or denied the use of advances for its liquidity needs.

§ 725.19 Collateral requirements.

(a) Each Facility advance to a Regular member shall be secured by a security interest in all the assests of the Regular member.

(b) Each Agent loan shall be secured by a security interest in all the assets of the member natural person credit union which receives the loan.

(c) Each Facility advance to an Agent member shall be secured, directly or indirectly, by all the Agent loans made by the Agent member, and by the collateral securing such loans.

§ 725.20 Repayment, security and credit reporting agreements; other terms and conditions.

(a) Regular and Agent members, or in the case of an Agent group, the Agent group representative, shall sign the repayment, security and credit reporting agreements prescribed by the Facility, and all Facility advances to Regular and Agent members shall be governed by the terms and conditions of such agreements.

(b) All Agent loans shall be made subject to the repayment, security and credit reporting terms prescribed by the Facility for Agent loans.

(c) Other terms and conditions applicable to Facility advances and Agent loans will be specified in confirmations of credit provided in connection with such advances and loans, and/or in operating circulars of the Facility.

§ 725.21 Modification of agreements.

The repayment, security, and credit reporting terms under which Facility advances and Agent loans will be made, as provided in § 725.20 of this Part, shall be subject to modification from time to time as the NCUA Board may determine. Any change in such terms shall be published in the **Federal Register** and shall apply to all advances disbursed by the Facility after the effective date of the change.

§ 725.22 Advances to insurance organizations.

(a) In accordance with policies established by the NCUA Board, the Facility may advance funds to a State credit union share or deposit insurance corporation, guaranty credit union, guaranty association, or similar organization. Requests for such advances shall be supported by an application which sets forth and supports the need for the advance.

(b) Advances under paragraph (a) shall be subject to the approval of the NCUA Board and shall be made subject to the following terms:

(1) The advance shall be fully secured,

(2) The maturity of the advance shall not exceed 12 months,

(3) The advance shall not be renewable at maturity, and

(4) The funds advanced shall not be relent at an interest rate exceeding that imposed by the Facility.

§ 725.23 Other advances.

(a) The NCUA Board may authorize extensions of credit to members of the Facility for purposes other than liquidity needs if the NCUA Board, the Board of Governors of the Federal Reserve System, and the Secretary of the Treasury concur in a determination that such extensions of credit are in the national economic interest.

(b) Extensions of credit approved under the conditions of paragraph (a) of this section shall be subject to such

[4] If the Agent is an Agent group, the application must be filed by the Agent group representative, and any Facility advance will be made to the Agent group representative.

terms and conditions as shall be established by the NCUA Board.

[FR Doc. 79-26200 Filed 8-22-79; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Parts 740 and 745

Advertisement of Insured Status; Clarification and Definition of Account Insurance Coverage

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This rule amends Sections 740 and 745 of the National Credit Union Administration Rules and Regulations to state that federally insured credit unions need not display the official "Advertisement of Insured Status" sign, or make available a brochure of questions and answers on insurance of member share accounts or deposits at locations where members conduct business with the credit union through the use of shared or unshared automated teller machines or point of sale terminals.

EFFECTIVE DATE: August 23, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Either Layne L. Bumgardner, Office of Examination and Insurance, or Robert S. Monheit, Office of General Counsel, at the above address. Telephone (202) 254-8760 (Mr. Bumgardner) or (202) 632-4870 (Mr. Monheit).

SUPPLEMENTAL INFORMATION: On March 14, 1979, the National Credit Union Administration published the proposed rule (44 FR 15512) to eliminate the requirement that the "Advertisement of Insured Status" sign be displayed and certain brochures be made available at automated teller machines and point of sale terminals. Public comment was invited to be received on or before May 7, 1979. All comments received favored the proposed rule. Accordingly, the final rule is as originally published.

Lawrence Connell,

Chairman.

August 20, 1979.

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

§ 740.3 [Amended]

Accordingly, 12 CFR Part 740 is amended by adding the following paragraph after the end of § 740.3:

* * * * *

(e) Automated teller machine and point of sale terminal exception. For purposes of this section the terms "branch," "station," "teller station," and "window" do not include automated teller machines or point of sale terminals.

§ 745.13 [Amended]

Accordingly, 12 CFR Part 745 is amended by adding the following sentence at the end of § 745.13:

* * * * *

For purposes of this section the terms "teller station" and "window" do not include automated teller machines or point of sale terminals.

[FR Doc. 79-26241 Filed 8-22-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-CE-14-AD; Amendment 39-3532]

Airworthiness Directive; Beech Model 76

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech Model 76 airplanes. The AD requires installation of larger diameter clevis pins at two locations in the main landing gear system. This action is necessary to assure structural integrity of the main landing gear housing to the fork attachment joint to prevent possible collapse of the main landing gear.

EFFECTIVE DATE: August 27, 1979.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: Class I Beechcraft Service Instructions No. 1073 applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. Copies of these service instructions are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: There have been six (6) reported occurrences involving Beech Model 76 airplanes wherein the MS20392-1C61 or MSZ0392-1C67 clevis pin which retains the Part Number 169-810031-11 main landing gear fork pin has sheared allowing the fork pin to gradually withdraw. Two of the occurrences resulted in collapse of the main landing gear while in the four other incidents, the discrepancy was discovered prior to the fork pin withdrawing far enough to cause collapse of the landing gear. In order to correct this problem the manufacturer has issued Beechcraft Service Instructions Number 1073 which provides instructions for installation of a larger diameter clevis pin having Part Number MS20392-2C67. The manufacturer recommends accomplishment within 10 hours time-in-service after the service instructions are received.

Accordingly, since the condition described herein is likely to exist or develop on other airplanes of the same type design, the FAA is issuing an AD applicable to certain Beech Model 76 airplanes making installation of the larger diameter clevis pins, in accordance with Beechcraft Service Instructions Number 1073, mandatory. The AD compliance time has been set at twenty-five (25) hours in order to allow sufficient time for maintenance personnel to obtain the new larger clevis pins and tools that are required to perform the modification. This extended compliance time will reduce the hardship on owners/operators without unduly compromising safety.

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

Adoption of the Amendment

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Beech: Applies to Model 76 (Serial Numbers ME-1 through ME-228) Airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished.

To prevent possible collapse of the main landing gear, accomplish the following:

(A) Within the next twenty-five (25) hours time-in-service after the effective date of this AD, install a new part number MS20392-2C67 clevis pin, common to the main landing gear fork

and the fork pin, in the left and right main landing gear in accordance with procedures in Beechcraft Service Instructions Number 1073.

Note.—Installation of the new larger clevis pins requires a 3/16 (.1875) inch diameter carbide tip drill bit, drill press and a suitable drill press vise or "V" blocks and clamps to hold the fork pin while enlarging the clevis pin hole.

(B) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This Amendment becomes effective August 27, 1979.

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

Note.—The FAA 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 FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on August 10, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-25967 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-13

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14 CFR Part 97

[Docket No. 19465; Amdt. No. 1145]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Lewis O. Ola, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

. . . Effective October 4, 1979

Delta Junction/Ft. Greely, AK—Allen AAF, VOR/DME or TACAN Rwy 18, Original
Delta Junction/Ft. Greely, AK—Allen AAF, VOR Rwy 18, Amdt. 6
Gustavus, AK Gustavus, VOR/DME-B, Amdt. 2

Pine Bluff, AR—Grider Field, VOR/DME Rwy 35, Amdt. 8
Chino, CA—Chino, VOR–A, Amdt. 1
Corona, CA—Corona Muni, VOR–A, Amdt. 1
El Monte, CA—El Monte, VOR–A, Amdt. 4
El Monte, CA—El Monte, VOR/DME–B, Amdt. 1
Gainesville, FL—Gainesville Regional, VOR–A, Amdt. 8
Miami, FL—Miami International, VOR Rwy 12, Amdt. 24
Sarasota (Bradenton), FL—Sarasota-Bradenton, VOR Rwy 22, Amdt. 7
Moultrie, GA—Moultrie Municipal, VOR Rwy 22, Amdt. 8
Decatur, IL—Decatur, VOR Rwy 36, Amdt. 12
Sault Ste Marie, MI—Chippewa County International, VOR–A, Amdt. 1
Columbia, MO—Columbia Regional, VOR Rwy 20, Amdt. 7
Cleveland, OH—Cuyahoga County, VOR Rwy 23, Amdt. 1
Millersburg, OH—Holmes County, VOR–A, Amdt. 2
Newport, OR—Newport Muni, VOR/DME Rwy 16, Amdt. 5
Charlotte, NC—Douglas Municipal, VOR Rwy 36L, Original
Charlotte, NC—Douglas Municipal, VOR/DME Rwy 18R, Original
Smyrna, TN—Smyrna, VOR/DME Rwy 14, Original
Sinton, TX—Sinton, VOR Rwy 32, Amdt. 5
Yakima, WA—Yakima Air Terminal, VOR/DME Rwy 27, Amdt. 4
Yakima, WA—Yakima Air Terminal, VOR–A, Amdt. 4
LaCrosse, WI—LaCrosse Muni, VOR Rwy 36, Amdt. 22

. . . Effective September 20, 1979

North Bend, OR—North Bend Muni, VOR/DME Rwy 4, Amdt. 6

. . . Effective August 10, 1979

Beaumont-Port Arthur, TX—Jefferson County, VOR Rwy 12, Amdt. 6

. . . Effective August 8, 1979

Jackson, MI—Jackson County-Reynolds Field, VOR Rwy 31, Amdt. 10

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

. . . Effective October 4, 1979

Decatur, IL—Decatur, LOC BC Rwy 24, Amdt. 5
Cleveland, OH—Cuyahoga County, LOC BC Rwy 5, Amdt. 3
Detroit, MI—Willow Run, LOC BC Rwy 23L, Amdt. 6
Columbia, MO—Columbia Regional, LOC BC Rwy 20, Amdt. 5
Yakima, WA—Yakima Air Terminal, LOC/DME BC Rwy 9, Amdt. 5, cancelled
Yakima, WA—Yakima Air Terminal, LOC/DME BC–B, Original
LaCrosse, WI—LaCrosse Muni, LOC BC Rwy 36, Amdt. 7

. . . Effective September 6, 1979

St. Louis, MO—Lambert-St. Louis Intl., LOC BC Rwy 6, Amdt. 23

. . . Effective August 10, 1979

Moline, IL—Quad-City, LOC Rwy 27, Amdt. 1
Beaumont-Port Arthur, TX—Jefferson County, LOC BC Rwy 30, Amdt. 15

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . Effective November 1, 1979

New Ulm, MN—New Ulm Muni, NDB Rwy 13, Amdt. 2
Windom, MN—Windom Muni, NDB Rwy 17, Amdt. 3

. . . Effective October 4, 1979

Greenville, AL—Greenville Muni, NDB Rwy 33, Amdt. 2
Selma, AL—Craig Field, NDB Rwy 32, Original
Delta Junction/Ft. Greely, AK—Allen AAF, NDB–A, Amdt. 2
Gustavus, AK—Gustavus, NDB–A, Amdt. 3
Miami, FL—Tamiami, NDB Rwy 9R, Amdt. 2
Decatur, IL—Decatur, NDB Rwy 6, Amdt. 1
West Union, IA—George L Scott Muni, NDB Rwy 35, Original
Provincetown, MA—Provincetown Muni, NDB Rwy 25, Original
Lansing, MI—Capital City, NDB Rwy 27L, Amdt. 17
Sault Ste Marie, MI—Chippewa County International, NDB Rwy 15, Amdt. 1
Columbia, MO—Columbia Regional, NDB Rwy 2, Amdt. 5
Sedalia, MO—Sedalia Memorial, NDB Rwy 18, Amdt. 3
Sedalia, MO—Sedalia Memorial, NDB Rwy 36, Amdt. 4
Wolf Point, MT—Wolf Point Intl., NDB Rwy 28, Original
Wolf Point, MT—Wolf Point Intl., NDB–A, Amdt. 2
Elkin, NC—Elkin Muni, NDB Rwy 25, Amdt. 1
Lexington, NC—Lexington Muni, NDB Rwy 8, Amdt. 1
Southport, NC—Brunswick County, NDB–A, Original
Batavia, OH—Clermont County, NDB–A, Amdt. 1
Cleveland, OH—Cuyahoga County, NDB Rwy 23, Amdt. 1
Millersburg, OH—Holmes County, NDB Rwy 27, Amdt. 1
Norman, OK—Max Westheimer, NDB Rwy 3, Amdt. 2
LaCrosse, WI—LaCrosse Muni, NDB Rwy 18, Amdt. 8

. . . Effective September 20, 1979

North Bend, OR—North Bend Muni, NDB Rwy 4, Amdt. 1

. . . Effective August 10, 1979

Beaumont-Port Arthur, TX—Jefferson County, NDB Rwy 12, Amdt. 14

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

. . . Effective October 4, 1979

Cordova, AK—Cordova Mile 13, ILS/DME Rwy 27, Amdt. 3
Ft. Lauderdale, FL—Ft. Lauderdale–Hollywood Intl., ILS Rwy 9L, Amdt. 9
Honolulu, HI—Honolulu Intl., ILS Rwy 4R, Amdt. 6
Decatur, IL—Decatur, ILS Rwy 6, Amdt. 8
Lansing, MI—Capital City, ILS Rwy 9R, Amdt. 3
Lansing, MI—Capital City, ILS Rwy 27L, Amdt. 18
Sault Ste. Marie, MI—Chippewa County International, ILS Rwy 15, Amdt. 1
Columbia, MO—Columbia Regional, ILS Rwy 2, Amdt. 6
Charlotte, NC—Douglas Municipal, ILS Rwy 36L, Amdt. 1
Cleveland, OH—Cuyahoga County, ILS Rwy 23, Amdt. 5
Richmond, VA—Richard Evelyn Byrd Intl, ILS Rwy 33, Amdt. 6
Yakima, WA—Yakima Air Terminal, ILS Rwy 27, Amdt. 23
LaCrosse, WI—LaCrosse Muni, ILS Rwy 18, Amdt. 8

. . . Effective September 20, 1979

North Bend, OR—North Bend Muni, ILS Rwy 4, Amdt. 2

. . . Effective September 6, 1979

St. Louis, MO—Lambert-St. Louis Intl., ILS Rwy 24, Admt. 36

. . . Effective August 10, 1979

Beaumont-Port Arthur, TX—Jefferson County, ILS Rwy 12, Amdt. 18

5. By amending § 97.31 RADAR SIAPs identified as follows:

. . . Effective October 4, 1979

Lansing, MI—Capital City, RADAR–1, Amdt. 6

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . Effective October 4, 1979

Columbia, MO—Columbia Regional, RNAV Rwy 20, Amdt. 2
Cleveland, OH—Cuyahoga County, RNAV Rwy 23, Amdt. 6
Norman, OK—Max Westheimer, RNAV Rwy 3, Amdt. 1
Brownsville, TX—Brownsville Intl., RNAV Rwy 17R, Original
Brownsville, TX—Brownsville Intl., RNAV Rwy 35L, Original

[Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3).]

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.

Note.—The incorporation by reference in the preceding document was approved by the

Director of the Federal Register on May 12, 1969.

Issued in Washington, D.C. on August 16, 1979.

John S. Kern,

Acting Chief, Aircraft Programs Division.

[FR Doc. 79-26153 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 298

[Regulation ER-1140; Amendment 11; Docket 33001]

Classification and Exemption of Air Taxi Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 20, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Civil Aeronautics Board is amending its rules so that Public Charters may be flown by air taxis without the need for an exemption.

DATES:

Adopted: August 20, 1979.

Effective: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

By notice of proposed rulemaking SPDR-65 (43 FR 30295; July 14, 1978), the CAB proposed to permit air taxis to provide air transportation for Public Charters without anyone having to apply for a special exemption. Air taxis can and do run charters now, but in order for a tour operator to use them it must obtain an exemption from the Board, since the Public Charter rule applies only to charters on certificated carriers and their foreign counterparts. The proposal was that air taxis meet the same consumer protection requirements as certificated carriers for baggage liability, and for bonds or escrow accounts to protect participants' funds. The action was initiated to remove a restriction that appears unjustified in a more freely competitive market. With the minimum contract size requirement reduced to 20 participants for charters, the smaller aircraft of these carriers may be more suitable for many small-scale charters than those of the certificated carriers.

The comments that were received were in favor of removing the restrictions, but the air taxi commenters opposed imposing the consumer protection provisions on the smaller carriers. The Commuter Airlines Association of America asserted that the imposition of bonding-escrow and baggage liability requirements would be unduly burdensome on these small carriers. Ryan Aviation argued that the consumer protection provisions were unnecessary because there was no history of consumer problems in the industry. Southwest Safaris stated that the cost of compliance with the consumer protective provisions would be prohibitive to a small operation. The National Air Carriers Association and Air BVI took no position on the inclusion of air taxi operators and commuter air carriers as carriers for Public Charters, but argued that if air taxis flying Public Charters are exempted form tariff filing, bonding and escrow accounts, and baggage liability requirements, certificated carriers operating small aircraft should also be exempted. Air BVI stated further that it has difficulty finding a bank with which to set up an escrow account for its small charter operations.

The Board concludes that air taxis should be allowed to provide air transportation for Public Charters without a special exemption, in the interest of stimulating and maintaining competition within the airline industry. Many air taxis are well suited to provide service for smaller charter groups, and the change should aid them in their important role of providing air service to small communities, along with service for smaller, specialized, or short-distance charters. Easing the restriction for air taxis might encourage their use for charters orginating from communities not normally served by charters, and for connecting service from small communities to major cities from which other charter service departs.

The issue of baggage liability was decided in another rulemaking (ER-1123; 44 FR 30080; May 24, 1979) which raised the size of aircraft that can be used by air taxis from 30 to 60 seats. In that proceeding it was decided not to extend the minimum baggage liability rules to air taxis, at least until the Board has investigated the economic impact of such rules on small enterprises and on operations with small aircraft.

As pointed out in the comments, some air taxis might have difficulty in arranging the bond or escrow accounts required of certificated carriers who fly Public Charters. Upon consideration of both the comments and the need for protection of charter participants' advance payments, the Board has decided on its own initiative to allow air taxis to avoid using these financial protection devices if they will leave the participants' payments in the hands of the tour operators (protect by their bonds and escrow accounts) until the charter flights are completed. This will in effect create two options for an air taxi flying a Public Charter: it can establish a bond or an escrow account just a certificated carriers do, or it can provide, in its contract with the tour operator, that the funds will remain in the tour operator's possession (in the operator's escrow account if there is one) until the flight is performed. This will satisfy the need to protect participant's money and keep it available for refunds should the need arise. The provision is in a new § 298.38 in 14 CFR Part 298.

The Board recently abolished the tariff-filing requirement for charter flights (ER-1125; 44 FR 33056; June 8, 1979), and therefore air taxis serving Public Charters will not be required to file tariffs.

This issuance amends 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators.* A corresponding amendment of Part 380, *Public Charters,* is being adopted simultaneously.

Because these amendments relieve a restriction and create no additional burden, the Board finds that an immediate effective date is in the public interest.

Accordingly, 14 CFR Part 298 is amended as follows:

1. The Table of Contents is amended by adding a new § 298.38 to Subpart D, to read:

* * * * *

Subpart D—Limitations and Conditions on Exemption and Operations

* * * * *

Sec.

298.38 Security arrangements for operating Public Charters.

* * * * *

2. A new § 298.38 is added, to read:

§ 298.38 Security arrangements for operating Public Charters

When an air taxi operator performs a Public Charter under Part 380 of this chapter, either—

(a) The air taxi operator shall meet the bonding or escrow requirements applicable to certificated carriers as set forth in § 207.17 of this chapter; or

(b) The air taxi operator shall ensure that it does not receive any payments for the charter until after the charter has been completed. In this case, its contracts with the charter operator and the charter operator's depository bank, if any, shall state that the charter operator or bank, as applicable, shall

retain control of and responsibility for all participant funds intended for payment for air transportation until after the charter has been completed, notwithstanding any provision of Part 380.

(Sections 101(3), 204, 401, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 771; 49 U.S.C. 1301, 1324, 1371, 1386)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-26216 Filed 8-22-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 380

[Regulation SPR-164; Amendment 6; Docket 33001]

Public Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 20, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules to allow air taxis to carry Public Charters. Air taxis will be subject to the same financial protection requirements as certificated air carriers, except when they agree to have tour operators hold payments until after the charter is completed. Supplementary information about this amendment appears in ER-1140, also adopted today.

DATES:

Adopted: August 20, 1979.

Effective: August 23, 1979.

FOR FURTHER INFORMATION: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

The Board amends 14 CFR Part 380, *Public Charters*, as follows:

1. The definition of "direct air carrier" in § 380.2 is amended to read:

§ 380.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

"Direct air carrier" means (1) an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401 of the Act, (2) an air taxi operator registered under part 298 of this chapter, or (3) a foreign air carrier which holds a permit issued under section 402 of the Act authorizing direct air transportation.

* * * * *

2. Section 380.10(d) is amended to read:

§ 380.10 Public Charter general requirements.

Public Charters under this part shall meet the following requirements:

* * * * *

(d) The air transportation portion of the charter must be performed by direct air carriers that hold a certificate of public convenience and necessity under section 401 of the Act or a permit under section 402, or are operating under Part 298 of this chapter.

* * * * *

3. Section 380.11 is amended to read:

§ 380.11 Payment to direct air carrier(s).

Except for air taxis, which are governed by § 298.38 of this chapter, the direct air carrier(s) shall be paid in full for the cost of the charter transportation (for both legs, if a round-trip charter) prior to the scheduled date of flight departure, as provided in the basic charter regulations applicable to the direct air carrier(s) under Parts 207, 208, 212, and 214 of this chapter, as the case may be.

4. In § 380.42, the introductory sentence is amended to read:

§ 380.42 Public Charters operated for foreign charter operators.

At least 45 days before the departure date of a foreign-originating charter or series of charters to be operated by a direct air carrier for a foreign charter operator, the carrier shall file with the Board (Special Authorities Division, Bureau of Domestic Aviation) a charter prospectus containing the following information:

* * * * *

(Sections 101(3), 204, 401, 402, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1386)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR. Doc. 79-26215 Filed 8-22-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7641]

Income Tax; Taxable Years Beginning After December 31, 1953; Distributions of Electing Small Business Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to distributions of undistributed taxable income previously taxed to shareholders of small business corporations. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations provide the public with the guidance needed to comply with certain of the changes to the law relating to small business corporations made by the Act.

DATE: The amendments apply to taxable years beginning after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Walter H. Woo of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3734).

SUPPLEMENTARY INFORMATION:

Background

On January 12, 1979, the **Federal Register** published proposed amendments to the regulations under section 1377(d) of the Internal Revenue Code of 1954. The amendments were proposed to conform the regulations to sections 902(b) and 1901(b)(32)(iv) of the Tax Reform Act of 1976 (90 Stat. 1608, 1800). A public hearing was not requested or held. After consideration of all comments regarding the proposed amendments, this Treasury decision is adopted.

These regulations will be reexamined as necessary on the basis of comments received from offices within the Treasury Department and Internal Revenue Service or from the public.

Explanation of Provisions

The Tax Reform Act amended section 1377 (relating to special rules applicable to earnings and profits of electing small business corporations) by adding a new subsection (d). Section 1.1377-4 (relating to distributions of undistributed taxable income previously taxed to shareholders) states the rule under section 1377(d) that current year earnings and profits are computed without regard to section 312(k) (relating to effect of depreciation on earnings and profits), but only for purposes of determining whether a distribution by an electing small business corporation is considered to be a distribution of previously taxed income. This section also provides an example illustrating the application of the rule.

On the basis of certain comments received, the language of these regulations as adopted has been clarified.

Drafting Information

The principal author of these regulations is Walter H. Woo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. Section 1.1377 is deleted.

Par. 2. There is added immediately after § 1.1377–3 the following new section:

§ 1.1377–4 Distributions of undistributed taxable income previously taxed to shareholders.

(a) *Undistributed taxable income previously taxed.* Under section 1377(d) the current year earnings and profits of an electing small business corporation are computed without regard to section 312(k) (formerly designated as section 312(m) for taxable years beginning before 1977). This rule applies solely for purposes of determining whether a distribution to a shareholder constitutes a distribution of all or any portion of the shareholder's net share of previously taxed income under section 1375(d) and § 1.1375–4. Section 1377(d) and this section apply to taxable years of an electing small business corporation beginning after December 31, 1975.

(b) *Example.* The application of this section may be illustrated by the following example:

Example. Corporation M, an electing small business corporation which uses the calendar year as its taxable year, in 1977 has $100 of taxable income, $120 of current earnings and profits (the $20 difference between taxable income and current earnings and profits representing the accelerated portion of depreciation which is not deducted for purposes of determining current earnings and profits as a result of section 312(k)). On August 12, 1977, the corporation makes a cash distribution of $120 to A, its sole shareholder. At the time of the distribution, A's net share of previously taxed income is $10. Solely for purposes of determining whether the corporation has made a distribution of previously taxed income to A, the corporation's current earnings and profits for 1977 are considered to be $100. Accordingly, $10 of the amount distributed to A is treated as a distribution of previously taxed income (see § 1.1375–4), and $110 of the amount distributed is treated as a distribution of current earnings and profits (determined with regard to section 312(k)) and is taxable as a dividend. The remaining $10 of undistributed current earnings and profits increases accumulated earnings and profits.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

Jerome Kurtz,

Commissioner of Internal Revenue.

August 10, 1979.

Approved:

Donald C. Lubick,

Assistant Secretary of the Treasury.

§ 1.1377 [Deleted]

Paragraph 1. Section 1.1377 is deleted.

Par. 2. There is added immediately after § 1.1377–3 the following new section:

§ 1.1377–4 Distributions of undistributed taxable income previously taxed to shareholders.

(a) *Undistributed taxable income previously taxed.* Under section 1377(d) the current year earnings and profits of an electing small business corporation are computed without regard to section 312(k) (formerly designated as section 312(m) for taxable years beginning before 1977). This rule applies solely for purposes of determining whether a distribution to a shareholder constitutes a distribution of all or any portion of the shareholder's net share of previously taxed income under section 1375 (d) and § 1.1375–4. Section 1377(d) and this section apply to taxable years of an electing small business corporation beginning after December 31, 1975.

(b) *Example.* The application of this section may be illustrated by the following example:

Example. Corporation M, an electing small business corporation which uses the calendar year as its taxable year, in 1977 has $100 of taxable income, $120 of current earnings and profits (the $20 difference between taxable income and current earnings and profits representing the accelerated portion of depreciation which is not deducted for purposes of determining current earnings and profits as a result of section 312(k). On August 12, 1977, the corporation makes a cash distribution of $120 to A, its sole shareholder. At the time of the distribution, A's net share of previously taxed income is $10. Solely for purposes of determining whether the corporation has made a distribution of previously taxed income to A, the corporation's current earnings and profits for 1977 are considered to be $100. Accordingly, $10 of the amount distributed to A is treated as a distribution of previously taxed income (see § 1.1375–4), and $110 of the amount distributed is treated as a distribution of current earnings and profits (determined with regard to section 312(k)) and is taxable as a dividend. The remaining $10 of undistributed current earnings and profits increases accumulated earnings and profits.

[FR Doc. 79-26239 Filed 8-22-79; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[T.D. 7642; LR–141–76]

Income Tax; Depreciation of Property Attributable to Rehabilitation Expenditures Incurred with Respect to Low-income Rental Housing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations amending existing regulations under section 167(k) of the Internal Revenue Code of 1954, relating to 60-month depreciation of property attributable to expenditures incurred to rehabilitate low-income rental housing. These regulations reflect amendments made to section 167(k) of the Code by the Tax Reform Act of 1976, the Act of November 12, 1977, and the Revenue Act of 1978.

DATES: The amendments generally apply to property attributable to rehabilitation expenditures paid or incurred after December 31, 1975. In addition, the amendments extend the time for making an election with respect to property attributable to expenditures paid or incurred after December 31, 1975, until November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Charles M. Whedbee of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, Attention: CC:LR:T (202–566–3487, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On May 8, 1978, the Federal Register published proposed amendments to the income tax regulations (26 CFR Part 1) under section 167(k) of the Internal Revenue Code of 1954 (43 FR 19679). The amendments were proposed to conform the regulations to section 203 of the Tax Reform Act of 1976 (90 Stat. 1530) and section 4(a) of the Act of November 12, 1977 (Pub. L. 95–171, 91 Stat. 1355). A correction notice correcting three typographical errors was published in the Federal Register on May 23, 1978 (43 FR 22059). A public hearing was held on September 21, 1978. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Description of Amendments

Section 167(k) of the Code permits election of a 60-month depreciation period for certain property attributable

to expenditures to rehabilitate low-income rental housing. The Tax Reform Act of 1976 extended the general cut-off date for qualifying expenditures from January 1, 1976, to January 1, 1978. Also, the Tax Reform Act of 1976 added section 167(k)(3)(D), which provides that certain expenditures incurred pursuant to a binding contract entered into before January 1, 1978, or with respect to low-income rental housing the rehabilitation of which has begun before January 1, 1978, are deemed to be incurred before January 1, 1978. Section 4 of the Act of November 12, 1977, and section 367 of the Revenue Act of 1978 (Pub. L., 95–600), enacted on November 6, 1978, further extended to January 1, 1982, the general cut-off date for qualifying expenditures (including the cut-off dates in section 167(k)(3)(D)). The regulations adopted by the Treasury decision reflect these amendments to section 167(k) of the Code. Because the amendments to section 167(k) clearly indicate a congressional policy to stimulate rehabilitation of low-income housing, the amendments to the regulations utilize a somewhat broader approach to the determination of a binding contract entered into before January 1, 1982, than may be found in regulations under other sections of the Code where different congressional objectives are apparent.

The 1976 Act also increased to $20,000 the per-dwelling-unit ceiling on qualifying expenditures, effective with respect to expenditures incurred after December 31, 1975. The 1976 Act also requires that the Secretary of the Treasury (or his delegate) define, by regulations, families and individuals of low or moderate income in a manner consistent with the leased housing program under section 8 of the United States Housing Act of 1937. The amendments to the regulations reflect these amendments to section 167(k) of the Code.

The amendments also make clear that a dwelling unit held for occupancy by individuals or families of low or moderate income may qualify as low-income rental housing even though other dwelling units in the same building are held for occupancy by persons not of low or moderate income.

Significant Changes From the Notice of Proposed Rulemaking

The principal change adopted by these regulations relates to the method of verifying the tenant's income certification (*i.e.*, the statement of family income, etc., which the taxpayer must obtain from tenants). Prior to the amendment made by this Treasury decision, the regulations required that the income certification be sworn to before an officer authorized to administer oaths (such as a notary public). The regulations, as now amended, provide that the income certification must be either sworn to before an officer authorized to administer oaths (such as a notary public) or be on a form containing a warning that it is a criminal offense to make a willfully false statement or misrepresentation to any department or agency of the United States as to any matter within it jurisdiction. If the form containing the warning with respect to a false statement, etc., is used, it must be signed by the tenant (or subtenant) in connection with an application (or other requirement) for a subsidy, rent supplement, mortgage insurance, or other form of assistance to either the taxpayer or the tenant (or subtenant) from a department or agency of the United States. This change is retroactive to pre-1976 taxable years.

The regulations, as adopted, also delete the requirement that the tenant's income certification contain a description of any payments expected to be received during the "certification year" that are not considered to be income under the new criteria prescribed for determining whether a family is of low or moderate income.

The regulation (both as proposed and as adopted) provide that certain rehabilitation expenditures that are incurred pursuant to a binding contract entered into by another person before the general cut-off date are deemed to be incurred by the taxpayer before the cut-off date if the taxpayer acquires the rehabilitated property from such other person before it is placed in service. The final regulations make clear that the binding contract pursuant to which the rehabilitation expenditures are incurred (but not the contract pursuant to which the rehabilitated property is acquired by the taxpayer) must be entered into before January 1, 1982.

Moreover, in the case of low-income housing the rehabilitation of which is begun before January 1, 1982, the final regulations make clear that to qualify the rehabilitation expenditures must be incurred pursuant to a particular undertaking begun before that date.

Grace Periods for Certain Acts

The regulations, as proposed and adopted, revise both the method of computing the tenant's "adjusted income" and the maximum permissible income level to conform to the "section 8" rent supplement program. Moreover, the definition of the tenant's "certification year" is changed, so that tenants now are required to certify their anticipated income for the next year rather than their actual income for the year just past. The proposed and final regulations make these changes generally applicable for rehabilitation expenditures paid or incurred after December 31, 1975.

One commentator suggests that this retroactive feature could make it necessary to secure new income certifications from past tenants, many of whom may have moved in the interim or otherwise may no longer be available. There also may be tenants who qualified under the old rules who do not satisfy the new ones, but hold leases on their dwelling units entitling them to remain in possession. To avoid these problems, the commentator suggests that the effective date be revised to make the new rules applicable only to rehabilitation expenditures paid or incurred after the date of publication of the final regulations, and then only as to subsequent occupancies either by a new tenant or by an existing tenant upon the expiration of this current lease term.

The effective date for the changes in the manner of computing a tenant's income and the determination of the maximum permissible income level which was proposed, and which is adopted in the final regulations, reflects the effective date contained in the amendments made to section 167(k) by the Tax Reform Act of 1976. However, the final regulations, in recognition of the problems posed by the commentator, contain two relief provisions for taxpayers. Under the first, the taxpayer may determine whether the occupants (including a subtenant) of any dwelling unit are families or individuals of low or moderate income by using the regulations in effect before revision by this Treasury decision that apply both to the maximum permissible income level and the method of computing the tenant's "adjusted income" (including rules relating to the certification year). This first relief provision applies only if the income certification is signed by the tenant on or before June 7, 1978. That date is 30 days after the date the proposed amendments were published in the **Federal Register**.

Under the second relief provision, the regulations, as proposed and adopted, give taxpayers a grace period in which to obtain the necessary income certifications and make the election. The grace period expires November 21, 1979.

Revenue Act of 1978

Section 367 of the Revenue Act of 1978, which was enacted after the publication of the notice of proposed rulemaking, extended the cut-off date for qualifying expenditures from January 1, 1979, to January 1, 1982. Accordingly, the

date "January 1, 1982" (or "December 31, 1981") has been substituted for "January 1, 1979" (or "December 31, 1978") each place it appears. Because these amendments merely reflect the 3-year extension of the cut-off date for qualifying expenditures, it is unnecessary to issue them with notice and public procedure under subsection (b) of section 553 of Title 5, United States Code or subject to the effective date limitation of subsection (d) of that section.

Drafting Information

The principal author of these regulations is Charles M. Whedbee of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, 26 CFR Part 1 is amended as follows:

§ 1.167(k) [Deleted]

Paragraph 1. Section 1.167(k) is deleted.

Par. 2. Section 1.167(k)–1 is amended as follows:

1. Paragraph (a)(1) is amended by striking out "January 1, 1975" in the first sentence and inserting in lieu thereof "January 1, 1982".

2. The first sentence of paragraph (a)(2) is amended by striking out "December 31, 1974" and inserting in lieu thereof "December 31, 1981".

3. The second sentence of paragraph (a)(2) is amended by striking out "January 1, 1975" and inserting in lieu thereof "January 1, 1982".

4. The third sentence of paragraph (a)(2) is amended by striking out "expenditures" and inserting in lieu thereof "expenditure".

5. Paragraph (b)(1) is amended by inserting a comma between "expenditures" and "and" in the second sentence.

6. The last sentence of paragraph (b)(2) is amended by striking out the coma after "possession".

7. A new paragraph (d) is added at the end to read as set forth below.

§ 1.167(k)–1 Depreciation of property attributable to rehabilitation expenditures.

* * * * *

(d) *Expenditures deemed incurred before January 1, 1982.* For purposes of paragraph (a) of this section—

(1) Rehabilitation expenditures that are incurred pursuant to a binding contract entered into before January 1, 1982, are deemed to be incurred before January 1, 1982. The contract must require (i) the rehabilitation to be performed for the taxpayer in accordance with his specifications, or (ii) the taxpayer to perform the rehabilitation himself (or to have another person perform the work for him in accordance with his specifications). The contract, as of December 31, 1981, must also specifically identify the existing building (or buildings) in connection with which the rehabilitation expenditures are to be incurred, and the expenditures must be incurred in connection with that building (or buildings). A contract may be binding, for purposes of section 167(k)(3)(D) and this section, even if it is subject to the happening of certain contingencies (such as the obtaining of financing from a third party) which have not occurred by January 1, 1982. The happening of the contingencies, however, must not be within the unrestricted control of the taxpayer and the contingencies must in fact occur. In any event, a contract that does not represent a bona fide agreement negotiated at arms-length shall not be considered a binding contract for purposes of section 167(k)(3)(D). For purposes of section 167(k)(3)(D), a binding contract includes an agreement, entered into pursuant to section 8 of the United States Housing Act of 1937, between the taxpayer and the Department of Housing and Urban Development ("HUD") or a public housing agency ("PHA") providing that upon completion of rehabilitation in accordance with the taxpayer's final proposal, HUD or the PHA will enter into a housing assistance payments contract with the taxpayer. For purposes of the preceding sentence, "agreement", "final proposal", "public housing agency", and "housing assistance payments contract" have the same meaning as those terms have in 24 CFR Part 881 (regulations of the Department of Housing and Urban Development relating to substantial rehabilitation under the section 8 housing assistance payments program).

(2) Rehabilitation expenditures incurred with respect to a particular undertaking to rehabilitate low-income rental housing are deemed to be incurred before January 1, 1982, if the rehabilitation begins before that date. For purposes of determining whether rehabilitation has begun before January 1, 1982, each dwelling unit (see § 1.167(k)–3(c)) shall be considered separately. Rehabilitation begins upon the commencement of physical work at the dwelling unit, as distinguished from the beginning of, or engaging in, other preliminary activities, such as the preparation of architect's sketches. The determination of whether physical work has begun shall be based upon all the facts and circumstances of a particular case. In general, where physical work which has commenced at the site of the dwelling units before January 1, 1982, represents rehabilitation expenditures which are allocable under § 1.167(k)–2(d) to more than one dwelling unit (such as the cost of replacing the roof of an existing structure), such work may be treated as having been done on units to which the expenditures are allocable.

(3) For purposes of paragraph (d) (1) and (2) of this section, "rehabilitation expenditures" include those treated as paid or incurred by the taxpayer by reason of paragraph (b)(1) of this section and the "taxpayer" includes the person or persons described in such paragraph (b)(1) who paid or incurred the expenditures. If paragraph (b)(1) of this section applies to property acquired from another person, the binding contract to incur the rehabilitation expenditures (but not the contract for the taxpayer to acquire the rehabilitated property) must be entered into before January 1, 1982.

Par. 3. Section 1.167(k)–2 is amended as follows:

1. The third sentence of paragraph (a) is amended by striking out "1974" and inserting in lieu thereof "1981."

2. The first two sentences of paragraph (c)(1) are deleted and four new sentences are inserted in lieu thereof to read as set forth below.

3. The last sentence of paragraph (c)(1) is amended by striking out "limitation" and inserting in lieu therof "limitations".

4. Paragraph (c)(2) is amended by striking out "following example:" and *"Example."* and inserting in lieu thereof "following examples:" and *"Example (1).",* respectively.

5. A new example (2) is inserted after example (1) in paragraph (c)(2), to read as set forth below.

6. Paragraph (e) is amended as follows:

(a) Subparagraph (1) is amended by striking out "For purposes of" in the first sentence and inserting in lieu thereof "Except as provided in paragraph (e)(2) of this section, for purposes of".

(b) Subparagraph (2) is redesignated as subparagraph (3).

(c) A new subparagraph (2) is added after subparagraph (1), to read as set forth below.

§ 1.167(k)–2 Limitations.

* * * * *

(c) *Maximum amount.* (1) In general, the maximum amount of rehabilitation expenditures paid or incurred by the taxpayer with respect to any dwelling unit which may be taken into account under section 167 (k) is $20,000. However, in the case of rehabilitation expenditures incurred before January 1, 1976, the amount of such expenditures paid or incurred by the taxpayer with respect to any dwelling unit which may be taken into account under section 167 (k) is limited to $15,000. The rules in § 1.167(k)–1 (a) (2) shall apply in determining whether an expenditure is incurred before January 1, 1976. Property attributable to amounts in excess of $20,000 (or, if applicable, $15,000) may qualify for the reasonable allowance provided by section 167 (a). * * *

(2) * * *

Example (2). X, a calendar year taxpayer on the cash receipts and disbursements method of accounting, spends a total of $22,000 for rehabilitation of one dwelling unit in an existing building held for low-income rental housing. X would be considered, under the accrual method of accounting, to have incurred $19,000 of the expenditures in 1975 and $3,000 in 1976. The expenditures qualify as rehabilitation expenditures under § 1.167(k)–3. Because of the $15,000 limitation with respect to rehabilitation expenditures incurred before January 1, 1976, property attributable to only $15,000 of the $19,000 of expenditures incurred in 1975 qualifies for an election under section 167(k). The $4,000 of expenditures incurred in 1975 with respect to which X cannot make a valid election is not taken into account in applying the $20,000 limitation. Therefore, property attributable to the entire $3,000 of expenditures incurred in 1976 qualifies for an election under section 167(k).

* * * * *

(e) *Special rule.* * * *

(2) In determining, for purposes of the $15,000 limitation described in the second sentence of paragraph (c)(1) of this section, whether a rehabilitation expenditure is incurred before January 1, 1976, a rehabilitation expenditure treated as having been paid or incurred by the taxpayer by reason of § 1.167(k)–1(b)(1) shall be deemed to have been incurred on the date the expenditure would be considered incurred under the accrual method of accounting by the person or persons who actually incurred the expenditure, regardless of the method of accounting used by that person or persons.

* * * * *

Par. 4. Section 1.167(k)–3 is amended as follows:

1. Paragraph (a)(2) is amended by striking out "include: The amount" and inserting in lieu thereof "include the amount" in the last sentence.

2. Paragraph (b)(1)(i) is amended by inserting two new sentences after the first sentence to read as set forth below.

3. Paragraphs (b)(2), (b)(3) and (b)(4) are revised as set forth below.

4. Paragraph (b)(5) is redesignated as paragraph (b)(7), and new paragraphs (b)(5) and (b)(6) are added to read as set forth below.

5. Example (1) and Example (2) in paragraph (b)(7), as redesignated, are revised as set forth below.

6. A new paragraph (d) is added at the end thereof, to read as set forth below.

§ 1.167(k)–3 Definitions.

* * * * *

(b) *Low-income rental housing*—(1) *In general.* (i) * * * A dwelling unit held for occupancy by families and individuals of low or moderate income may qualify as low-income rental housing even though other dwelling units in the same building are held for occupancy by persons who are not of low or moderate income. On the other hand, a dwelling unit held for occupancy by persons who are not of low or moderate income does not qualify as low-income rental housing, even though other dwelling units in the same building are held for occupancy by families and individuals of low or moderate income. * * *

* * * * *

(2) *Definition of low or moderate income.* The occupants of a dwelling unit are considered families and individuals of low or moderate income for purposes of section 167(k) only if their adjusted income (computed in the manner prescribed in paragraph (b)(3) of this section) does not exceed 80 percent of the median income for the area, as determined with adjustments for smaller and larger families by the Secretary of Housing and Urban Development for the purposes of applying section 8(f)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(f)(1)), except that if, for purposes of applying such section, the Secretary of Housing and Urban Development establishes an income ceiling higher or lower than 80 percent of the median for the area, the higher or lower income ceiling shall apply. Notwithstanding the preceding sentence, the occupants of a dwelling unit shall not be considered as individuals and families of low or moderate income if all the occupants are students (as defined in section 151(e)(4)), no one of whom is entitled to file a joint return under section 6013. All determinations under this subparagraph shall be made as of the first day of the certification year (as defined in paragraph (b)(3) of this section).

(3) *Adjusted income.* (i) The adjusted income of a family or individual is the anticipated total annual income of the family or individual for the certification year, determined in accordance with the criteria prescribed by the Secretary of Housing and Urban Development under section 8(f)(3) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(f)(3)), for purposes of determining whether a family is a lower-income family within the meaning of section 8(f)(1) of the Act. The adjusted income of a family or individual shall be computed solely from the income certification required by paragraph (b)(4) of this section and shall be computed within respect to the "certification year" of the person. Adjusted income is not affected by income earned or received during the certification year that is not included in the income certification. The "certification year" for any person is the 12-month period which begins on the later of (A) the date on which the property attributable to the expenditures allocated to the dwelling unit occupied by the person is placed in service (see § 1.167(k)–1(b)(3)), or (B) the date on which the person first occupies the unit on a rental basis, or signs a lease within respect to the unit, whichever occurs first. Adjusted income must be determined with respect to the actual occupants of the dwelling unit. For purposes of the preceding sentence, if any income of a family member who is not living in the dwelling unit would be taken into account under the criteria prescribed by the Secrtetary of Housing and Urban Development referred to in the first sentence of this subparagraph, that person shall be considered to be an occupant of the dwelling unit. The term "family", for purposes of section 167(k), means two or more persons related by blood, marriage, or operation of law.

(ii) The principles of this subparagraph may be illustrated by the following example:

Example. Family X first signs a lease on a rehabilitated dwelling unit on January 1, 1977, which the family first occupies on January 25, 1977. All expenditures with respect to the rehabilitation of the dwelling unit were paid or incurred by the taxpayer after December 31, 1975. The certification year for members of family X is the 12-month period beginning on January 1, 1977. All income earned by family X in 1976 is disregarded. Instead, the determination of adjusted income shall be made with respect to the total anticipated annual income of the family for the calendar year 1977, computed in accordance with the criteria prescribed by the Secretary of Housing and Urban Development referred to in the first sentence of this subparagraph.

(4) *Income certification requirement.* A taxpayer electing to compute depreciation under section 167(k) with respect to any property contained in a dwelling unit shall secure an income certification from the tenant covering each person who proposes to live in such unit after the beginning of the certification year. If a dwelling unit is subleased during the taxable year and the taxpayer elects to compute depreciation under section 167(k) with respect to any property contained in such unit, the taxpayer shall secure an income certification from the subtenant covering each person who proposes to live in the dwelling unit after the beginning of the certification year. If the dwelling unit is rented to a new tenant or subtenant during the 60-month election period, the taxpayer shall secure an income certification from the new tenant (or subtenant) covering each person who proposed to live in the unit after the beginning of the certification year. The income certification shall contain a statement of the anticipated total annual income for the certification year of each person who proposes to live in the dwelling unit during the certification year, the number of minors who propose to live in the dwelling unit during the certification year, and the anticipated total annual income of such minors, all determined in accordance with the criteria prescribed by the Secretary of Housing and Urban Development referred to in paragraph (b)(3) of this section. The income certification must be maintained by the taxpayer as part of its books and records.

(5) *Verification of income certification.* In the case of property attributable to expenditures paid or incurred after July 24, 1969, the income certification must be either—

(i) Sworn to before an officer authorized to administer oaths (such as a notary public) or

(ii) On a form which meets the following two requirements: (A) The form contains a warning that it is a criminal offense to make a willfully false statement or misrepresentation to any department or agency of the United States as to any matter within its jurisdiction. (B) The form is signed by the tenant (or subtenant) in connection with an application (or other requirement) for a subsidy, rent supplement, mortgage insurance, or other form of assistance to either the taxpayer or the tenant (or subtenant) from a department or agency of the United States.

(6) *Effective date*—(i) *In general.* Paragraph (b) (2), (3), (4), and (5) of this section applies to property attributable to expenditures which are paid or incurred after December 31, 1975. Except to the extent paragraph (b)(5) of this section applies, in the case of property attributable to expenditures paid or incurred before January 1, 1976, the rules in 26 CFR 1.167(k)–3(b) (2), (3), and (4), revised as of April 1, 1978, continue to apply.

(ii) *Transitional rule for change in certification year.* In the case of property attributable to expenditures paid or incurred after December 31, 1975, the taxpayer may determine whether the occupants (including a subtenant) of any dwelling unit are families and individuals of low or moderate income by applying all of the rules in paragraph (b) (2), (3), and (4) of this section, as in effect before being revised by T.D. 7642. However, the rules in paragraph (b)(5) of this section (as revised by T.D. 7642), relating to the verification of income certifications, shall apply. This subdivision (ii) applies only if the income certification is signed by the tenant (or subtenant) on or before June 7, 1978.

(iii) *Expenditures treated as paid or incurred by the taxpayer.* For purposes of applying this subparagraph (6), rehabilitation expenditures treated as having been paid or incurred by the taxpayer by reason of § 1.167(k)–1(b) shall be deemed to have been paid or incurred on the date on which the expenditures were actually paid or incurred, determined in accordance with the method of accounting used by the person that actually paid or incurred the expenditures.

(7) *Examples.* * * *

Example (1). The median family-income in a particular area for a family of four, as established for the purposes of applying section 8(f)(1) of the United States Housing Act of 1937, is $12,000. During 1976, the taxpayer spends in excess of $3,000 per unit in rehabilitating three two-bedroom dwelling units, X, Y, and Z. All the units are placed in service on January 1, 1977, and are advertised for rental at $200 per month. Unit X is rented at this price to tenant A and unit Y is rented to tenant B. A and B are both married and each has two children. At the time of the signing of the lease, tenant A certifies that the A family's adjusted income for the certification year (the 12-month period beginning on the date the lease is signed), computed under paragraph (b)(3) of this section, is $9,000. Tenant B, at the time of signing the lease, certifies that the B family's adjusted income is $10,000 for the certification year. Assuming that the Secretary of Housing and Urban Development has not established an income ceiling higher or lower than 80 percent of median for the area for purposes of applying section 8(f)(1) of the United States Housing Act of 1937, the low or moderate income level for the purpose of this paragraph is $9,600 (80 percent of the $12,000 median income for the area). Since tenant A's adjusted family income of $9,000 does not exceed this amount, rehabilitation expenditures allocated to the dwelling unit rented to tenant A could qualify under section 167(k). However, the rehabilitation expenditures allocated to the dwelling unit rented to tenant B could not qualify, since tenant B's adjusted family income ($10,000) is in excess of the low or moderate income level for the area.

Example (2). The facts are the same as in Example (1). Eight months after signing the lease, tenant A receives a promotion that was not anticipated when the lease was signed. Because of the unanticipated promotion, tenant A's actual income for the certification year is $9,800, which is more than the income ceiling ($9,600). Even though A's adjusted income would not have qualified if the promotion had been anticipated when the lease was signed, the original election with respect to property contained in unit X will remain valid as long as tenant A occupies the unit. Unit Z, even though vacant throughout 1977, will be considered low-income rental housing because the rental at which the unit is offered ($2,400 per year) does not exceed $2,880, *i.e.*, 30 percent of $9,600, the low or moderate income level for a family of four.

* * * * *

(d) *Paid or incurred.* For the definition of "paid or incurred", see section 7701(a)(25.)

Par. 5. Section 1.167(k)–4 is amended by adding a new paragraph (f) at the end thereof, to read as set forth below.

§ 1.167(k)–4 Time and manner of making election.

* * * * *

(f) *Extension of time for election.* In the case of property attributable to expenditures paid or incurred after December 31, 1975, a taxpayer will be permitted to make an election under section 167(k) (and file the statement required for subsequent taxable years by paragraph (b)(2) of this section) on or before November 21, 1979, notwithstanding the fact that the period prescribed by paragraph (c) of this section for filing an election for the taxable year (or for filing the statement required for a subsequent year) has expired. For purposes of applying this paragraph (f), rehabilitation expenditures treated as having been paid or incurred by the taxpayer by reason of § 1.167(k)–1(b) shall be deemed to have been paid or incurred on the date on which the expenditures were actually paid or incurred, determined in accordance with the method of accounting used by the person that actually paid or incurred the expenditures.

(Sec. 167(k)(3)(B), Internal Revenue Code of 1954 (83 Stat. 651, 90 Stat. 1530; 26 U.S.C.

167(k)(3)(B)); sec. 7805, Internal Revenue Code of 1954 (68 Stat. 917; (26 U.S.C. 7805)).)

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: August 2, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

FR Doc. 79-26242 Filed 8-22-79; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[T.D. 7640]

Income Tax, Reporting Requirements for Income Tax Return Preparers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to certain reporting requirements applicable to income tax return preparers. These regulations amend existing regulations as a result of a reexamination of those existing provisions. These regulations affect all preparers and provide guidance needed to comply with the law.

DATE: Generally, the regulations apply immediately upon publication. However, as announced in Information Release 2138, dated June 18, 1979, a preparer will not be penalized for having failed to file timely Form 5717 before the effective date of these regulations. As announced in that information release, all assessments made against preparers for failure to file timely Form 5717 will be abated and all penalties collected will be automatically refunded.

FOR FURTHER INFORMATION CONTACT: Mark L. Yecies of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention CC:LR:T (202-566-3464, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains an amendment to the Income Tax Regulations (26 CFR Part 1) under sections 6060 and 6695(e) of the Internal Revenue Code of 1954. Section 6060(a) of the Code requires an employer of income tax return preparers to file an information return annually with the Internal Revenue Service listing the name, identification number, and place of work of each preparer employed during the year. Section 6060(b) of the Code permits the Secretary of the Treasury to approve a reporting method other than the filing of this information return if the Secretary determines that the information is available from other sources. Section 6695(e) of the Code imposes penalties on preparers for failure to comply with the reporting requirements of section 6060.

On November 23, 1977, the **Federal Register** published regulations relating to income tax return preparers (42 FR 59961). Section 1.6060-1 of those regulations provided that a preparer must satisfy the reporting requirements of section 6060 either by filing an information return (Form 5717) with the Internal Revenue Service, or by a different method, approved by the Service, which provided for the annual filing of all required information. Section 1.6695-1(e) of the regulations provided penalties for failure to satisfy the reporting requirements in the manner prescribed in § 1.6060-1.

The Internal Revenue Service has reexamined the reporting procedure prescribed in § 1.6060-1 and has concluded that this procedure has created an unnecessary paperwork burden. Accordingly, pursuant to the authority granted in section 6060(b) of the Code, this regulation revises § 1.6060-1 to provide that a preparer shall satisfy the reporting requirements of section 6060 by means of retention of records rather than by filing Form 5717 (or by any other filing method). This regulation is described more fully below. As a result of this regulation, preparers are relieved of the burden of completing and filing Form 5717 (or filing by any other means).

This regulation does not meet the Treasury criteria for a significant regulation under paragraph 8 of the final Treasury directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52120).

Description of Regulation

This regulation revises § 1.6060-1 of the income tax return preparer regulations. New § 1.6060-1(a)(1) provides generally that a person shall satisfy the requirements of section 6060 of the Code by retaining, for a 3-year period, a record of each preparer employed (or engaged) during the return period, and by making that record available for inspection upon request by the district director. Section 1.6060(a)(2) indicates that a person may choose the documents to be used to satisfy the provisions of § 1.6060-1, but emphasizes that any documents used must disclose on their face which individuals were employed (or engaged) as preparers. Section 1.6060-1(a)(4) makes the new procedure applicable to sole proprietors and to partnerships, establishing reporting requirements parallel to those of the prior regulations.

The regulation also revises § 1.6695-1(e) of the income tax return preparer regulations to conform this penalty provision to the new reporting requirements of § 1.6060-1. Thus, new § 1.6695-1(e)(1) imposes a penalty of $100 for the failure to retain and make available a record of preparers employed (or engaged) during a return period as required in § 1.6060-1. Similarly, § 1.6695-1(e)(2) imposes a penalty of $5 for each failure to include a required item in that record. Finally, § 1.6695-1(e)(3) clarifies the period of limitation applicable to the assessment of a penalty under section 6695(e) for the failure to comply with the reporting procedures prescribed in § 1.6060-1.

Drafting Information

The principal author of this regulation is Mark L. Yecies of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. Section 1.6060-1 is revised to read as follows:

§ 1.6060-1 Reporting requirements for income tax return preparers.

(a) *In general.* (1) Each person who employs (or engages) one or more income tax return preparers to prepare any return of tax under subtitle A of the Internal Revenue Code of 1954 or claim for refund of tax under subtitle A of the Internal Revenue Code of 1954, other than for the person, at any time during a return period shall satisfy the requirements of section 6060 of the Code by—

(i) Retaining a record of the name, taxpayer identification number, and principal place of work during the return period of each income tax return preparer employed (or engaged) by the person at any time during that period; and

(ii) Making that record available for inspection upon request by the district director.

The record described in this paragraph (a) must be retained and kept available for inspection for the 3-year period following the close of the return period to which that record relates.

(2) The person may choose any form of documentation to be used under this section as a record of the preparers employed (or engaged) during a return

period. However, the record must disclose on its face which individuals were employed (or engaged) as income tax return preparers during that period.

(3) For the definition of the term "income tax return preparer" (or "preparer"), see section 7701(a)(36) and § 301.7701–15. For the definition of the term "return period", see paragraph (b) of this section.

(4)(i) For purposes of this section, any individual who, in acting as an income tax return preparer, is not employed by another income tax return preparer shall be treated as his (or her) own employer. Thus, a sole proprietor shall retain and make available a record with respect to himself (or herself) as provided in this section.

(ii) A partnership shall, for purposes of this section, be treated as the employer of the partners of the partnership and shall retain and make available a record with respect to the partners and others employed (or engaged) by the partnership as provided in this section.

(b) *Return period defined.* For purposes of this section, the term "return period" means the 12-month period beginning on July 1 of each year.

(c) *Penalty.* For the civil penalty for failure to retain and make available a record of the preparers employed (or engaged) during a return period as required under this section, or for failure to include an item in the record required to be retained and made available under this section, see § 1.6695–1(e).

§ 1.6107–1 [Amended]

Par. 2. Section 1.6107–1(b) is amended by deleting the phrase "and § 1.6060–1(c)" from the last sentence thereof.

Par. 3. Section 1.6695–1(e) is revised to read as follows:

§ 1.6695–1 Other assessable penalties with respect to the preparation of income tax returns for other persons.

* * * * *

(e) *Failure to comply with reporting requirements.* A person who is subject to the reporting requirements of section 6060 and § 1.6060–1 and who fails to satisfy these requirements shall be subject to the following penalties, unless it is shown that the failure is due to reasonable cause and not due to willful neglect.

(1) $100, for failure to retain and make available a record of the preparers employed (or engaged) during a return period as required under § 1.6060–1, plus

(2) $5, for each failure to include a required item in the record required to be retained and made available under § 1.6060–1.

A person may not, for failure to satisfy the reporting requirements with respect to any single return period, be subject to more than $20,000 in penalties under section 6695(e) and this section.

(3) The amount of any penalty under section 6695(e) and this section for failure to retain and make available a record of the preparers employed (or engaged) during a return period or for failure to include a required item in that record must be assessed within 3 years after the close of the return period to which the record relates, and no proceeding in court without assessment for the collection of that penalty may be begun after the expiration of this period.

* * * * *

This Treasury decision discontinues the required filing of certain information annually on Form 5717 with the Internal Revenue Service. For this reason, it is found unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

[Sec. 6060(b), Internal Revenue Code of 1954 (90 Stat. 1691, (26 U.S.C. 6060 (b))); sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917, (26 U.S.C. 7805)).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: August 14, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 79–26240 Filed 8–22–79; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 147

[CCGD 11–79–05]

Establishment of Safety Zones Around Structures Being Constructed on the Outer Continental Shelf (OCS); Final Rule

AGENCY: Coast Guard, Department of Transportation.

ACTION: Final rule.

SUMMARY: This document implements emergency OCS safety zones and related regulations under the provisions of 33 CFR 147.03–3(b). These safety zones are around structures being constructed on the OCS off of Southern California. The Commander, Eleventh Coast Guard District has made an inquiry and determined that these safety zones are necessary to promote safety of life and property on the structure, their appurtenances and attending vessels and on the adjacent waters during installation and construction periods.

EFFECTIVE DATE: The safety zones described herein are effective upon commencement of installation operations for each structure. The dates for the affected structures are:

a. Platform Grace, operated by Chevron U.S.A. Inc., is to be a fixed structure on the OCS which will be installed on 27 July 1979 with the safety zone effective immediately.

b. Platform Henry, operated by Sun Oil Co. is to be a fixed structure on the OCS which will be installed on 1 August 1979 with the safety zone effective immediately.

FOR FURTHER INFORMATION CONTACT: Lieutenant Robin A. Wendt, Commander (dj), Eleventh Coast Guard District, 400 Oceangate, Long Beach, CA 90822, (213) 590–2386.

SUPPLEMENTARY INFORMATION: *Discussion.* On February 20, 1979 the Commander, Eleventh Coast Guard District published an advance notice of proposed rulemaking on safety zones around fixed structures (44 FR 10399). This was the first of a three stage formal rulemaking designed to implement safety zones around structures on the OCS and in navigable waters of the U.S. Since that time, it has become obvious that Platforms Grace and Henry will be installed prior to the completion of that rulemaking and the need for a safety zone requires temporary measures in the promotion of safety. The Commander, Eleventh Coast Guard District has determined that the establishment of safety zones and regulations is necessary to promote safety of life and property on the structures, their appurtenances and attending vessels and on the adjacent waters during the installation and construction periods. Further, he has determined that without the establishment of Emergency Safety Zones, an imminent danger will exist.

Platform Grace is within 2 nautical miles of the Santa Barbara Channel (SBC) Traffic Separation Scheme (TSS) and is between the SBC TSS and the Carpenteria Offshore Tanker Mooring. Thus it is in close proximity to significant marine traffic. As such, a maximum size safety zone of 500 meters is being established around it. All vessels will be prohibited within the safety zone other than those which are directly involved in the installation and are authorized by the structure operator, or any other vessel authorized by Commander, Eleventh Coast Guard District. The installation process is

critical and requires great precision and coordination. This process also presents a safety hazard if vessels were allowed to navigate near the structure.

Platform Henry is to be located on the OCS in the Dos Cuadras field and will be in a string of eight other platforms. An emergency safety zone of 500 meter radius around Henry is also considered necessary during installation. The installation process is critical and will require a safety zone for this structure also. No vessels may enter the safety zone except those which are directly involved in the installation and are authorized by the structure operator, or any other vessel authorized by Commander, Eleventh Coast Guard District.

The safety zones will be effective as of the anticipated dates of installation. Installation schedules are, however, subject to a great deal of variance. Therefore, updated information will be regularly published in Local and Broadcast Notice to Mariners, and Defense Mapping Agency Notice to Mariners.

It is anticipated that after completion of the installation of Platform Grace, a modification to the safety zone will be made. This will be done by a separate rulemaking. The modification will allow small vessels within the safety zone. The Platform Henry safety zone will be disestablished after the structure installation. This will also be done in a separate rulemaking.

These regulations are issued under the authority of the Outer Continental Shelf Lands Act, 83 Pub. L. 212, 43 USC 1331 et seq. and 33 CFR Subpart 147.01, Safety Zones, which delegated the authority for the establishment of safety zones to the District Commanders.

In consideration of the foregoing, Title 33, Code of Federal Regulations is hereby amended by establishing a new subpart 147.05 as follows:

Subpart 147.05—OCS Safety Zones

§ 147.05-11.01 Platform GRACE Safety Zone, Santa Barbara Channel.

(a) Description. A circle 500 meters in radius around the installation site and then after installation, 500 meters from each point on the structure's outer edge. The position of the site and center of the structure is 34°10'47"N, 119°28'05"W.

(b) Regulations. (1) Platform installation—During installation, no vessel other than one directly involved in the installation of the structure and authorized by the structure operator, or any other vessel authorized by Commander, Eleventh Coast Guard District may be within the safety zone.

(c) Effective date. This safety zone and its related regulations are effective from 27 July 1979.

§ 147.05-11.02 Platform HENRY Safety Zone, Santa Barbara Channel.

(a) Description. A circle 500 meters in radius around the installation site. The position of the site is 34°20'00"N, 119°33'38"W.

(b) Regulations. (1) Platform Installation—During the installation, no vessel other than one directly involved in the installation of the structure and authorized by the structure operator, or any other vessel authorized by Commander, Eleventh Coast Guard District may be within the safety zone.

(c) The safety zone and regulations will be effective from 1 August 1979.

Drafting Information: The principal persons involved in drafting this rule are Lieutenant Robin A. Wendt, Project Manager, Eleventh Coast Guard District Hearing Office, and Lieutenant Commander Ronald S. Matthew, Project Counsel, Eleventh Coast Guard District Legal Office.

Authority: Sec 633, 63 Stat 545, Sec 4(e)(1), 67 Stat 463, Sec 6(b)(1), 80 Stat 938; 14 USC 1655(b)(1); 49 CFR 1.46(b); 33 CFR 147.01; in conformance with paragraphs 2, 3, 6, and 7 of Article 5, Convention on the Continental Shelf (TIAS 5578) and Article 2, Convention on the High Seas (TIAS 5200).

H. W. Parker,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard, District.

August 26, 1979.

[FR Doc. 79-26259 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-20

[FPMR Amdt. D-73]

Management of Buildings and Grounds; Physical Protection

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation establishes procedures regarding the protection of employees and property by streamlining the reporting of criminal acts and other incidents to the Federal Protective Service (FPS); establishes the FPS as the General Services Administration's sole collector and reporter of criminal offense and data concerning other reported incidents for GSA-controlled and leased space; and establishes a Crime Prevention Program. The intent of this regulation is to provide a more complete and efficient police, security, and crime prevention service to Federal agencies.

EFFECTIVE DATE: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John DeMarco, Chief, Crime Prevention Branch (202-566-1429).

SUPPLEMENTARY INFORMATION: The General Services Administration 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.

DISCUSSION OF MAJOR COMMENTS:

a. Comments on the summary paragraph for the proposed rule published on April 3, 1979 (44 FR 19443) were concerned with the possible prohibition of other agencies from maintaining internal records and data about criminal activities. The paragraph has been changed to show that this is not the intent of the regulation.

b. Comments on § 101-20.501 concerned FPS's protection of Federal employees and visitors to the occupant agencies. The section was revised.

c. External agency comments on §§ 101-20.501, 101-20.502, and 101-20.503-1 requested information not of an instructive nature. The information will be presented in an FPMR bulletin.

d. Comments on § 101-20.503-3 requested that GSA be required to make periodic reports to external agencies. The section has been changed.

The table of contents for Part 101-20 is amended to add the following entry:

101-20.503-3 Crime prevention.

Subpart 101-20.5—Physical Protection

1. Section 101-20.500 is revised to read as follows:

§ 101-20.500 Scope of subpart.

This subpart prescribes policies and methods for the physical protection of persons, buildings, grounds, and equipment under the charge and control of GSA; requires active participation of occupant and user agencies in accomplishing certain aspects of crime prevention; requires that occupant and user agencies report any crime on GSA property to the nearest Federal Protective Service Office; and requires the establishment of self-protection plans and organizations to meet all emergencies except enemy attack.

2. Section 101-20.501 is revised to read as follows:

§ 101-20.501 Basic policy.

For buildings and grounds for which GSA has space assignment responsibility, GSA will furnish as normal protection not less than the

degree of protection provided by commerical building operators of similar space for normal risk occupants, as determined by the Federal Protective Service. This protection may include control of building entry and inspection of packages when the Federal Protective Service determines the control is warranted for general Government occupancy and not necessitated by special activities or specific agencies. Special protection required due to the nature of the business conducted within the space or unusual public reaction to an agency's program and missions, whether or not of a continuing nature, will be determined jointly by the Federal Protective Service and the occupant agency or agencies and will be provided on a reimbursable basis in accordance with Subpart 101–21.4.

3. Section 101–20.502 is revised to read as follows:

§ 101–20.502 Protection criteria.

Determination of the level of normal protective service will be made by the Federal Protective Service on a case-by-case basis and will consider the facility's location; size and configuration; history of criminal or disruptive incidents in the surrounding neighborhood not primarily directed toward the occupant agency's mission; extent of exterior lighting; presence of physical barriers; and other factors as may be deemed pertinent.

4. Section 101–20.503–1 is revised to read as follows:

§ 101–20.503–1 Physical protection.

GSA provides normal and special protection through mobile patrol or fixed posts manned by: Federal Protective Officers or contract uniformed personnel; security systems and devices; locking building entrances and gates during other than normal hours of occupancy; cooperation of local law enforcement agencies; or any combination thereof depending upon the facility and the degree of risk involved. The degree of normal and special protection shall be determined in accordance with § 101–20.501 after completion of a physical security survey and/or crime prevention assessment.

5. Section 101–20.503–3 is added to read as follows:

§ 101–20.503 Crime prevention.

The Federal Protective Service collects and disseminates information about criminal activity on or against property under the charge and control of GSA, provides crime prevention information programs to occupant agencies upon request, and conducts crime prevention assessments in cooperation with occupant agencies. The Federal Protective Service will, periodically, report to heads of agencies information on criminal activity in their space and the crime prevention measures taken to reduce criminal activity.

6. Section 101–20.504–1 is revised to read as follows:

§ 20.504 General.

Occupants of GSA assigned space shall: (a) Cooperate to the fullest extent possible with all pertinent facility regulations and procedures; (b) make suggestions for improving protection; (c) report promptly unlawful acts committed on or against property under the charge and control of GSA to the nearest Office of the Federal Protective Service, except where other appropriate reporting channels have been established for national security reasons; and (d) provide an informative program to all employees on protection and related matters.

(Sec. 205 (c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 16, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79–26027 Filed 8–22–79; 8:45 am]

BILLING CODE 6820–27–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Part 114–35

Public Contracts and Property Management; Deletion of Telecommunications Provisions

AGENCY: Department of the Interior.

ACTION: Deletion of regulations.

SUMMARY: The Department's Office of ADP and Telecommunications Management has converted the material contained in 41 CFR in Part 114–35 to Part 312 Chapter 4 of the Department of the Interior Manual. Since this material has been converted to the Departmental directives system, publication in the Code of Federal Regulations is no longer considerred necessary, and Part 114–35 is deleted.

EFFECTIVE DATE: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Charles E. Snyder, Chief, Division of Wire Communications Management, Office of ADP and Telecommunications Management, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–2160.

SUPPLEMENTARY INFORMATION: This amendment relates only to matters of internal Department procedure and practice. It is, therefore, determined that the Department's proposed rulemaking procedures are not applicable, and this amendment will become effective on the date of publication in the Federal Register.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR 114.

The primary author of this document is James O. Wyatt, Chief, Division of Property Management, Office of Administrative and Management Policy, telephone (202) 343–3185.

PART 114–35 [Deleted].

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c) Part 114–35 of Chapter 114, Title 41 of the Code of Federal Regulations, is deleted.

Larry E. Meierotto,

Assistant Secretary of the Interior.

August 16, 1979.

[FR Doc. 79–26026 Filed 8–22–79; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 122

Health Systems Agency Reviews of Certain Proposed Uses of Federal Health Funds

AGENCY: Public Health Service, HEW.

ACTION: Correction Notice.

SUMMARY: The Department of Health, Education, and Welfare published final regulations for Health Systems Agency Reviews of Proposed Uses of Federal Health Funds in the Federal Register for Friday, August 10, 1979 (FR Doc. 79–24659). This notice deletes printing instructions which were inadvertently published in the text of the regulations and makes other minor editorial corrections.

EFFECTIVE DATE: This notice is effective immediately. Note, however, that the effective date for the regulations remains November 8. For further information contact: Colin C. Rorrie, Jr., Ph.D., Director, Bureau of Health Planning, Center Building, Room 6–22, 3700 East-West Highway, Hyattsville Maryland 20782. Telephone: 301–436–6850.

§ 122.402 Definitions.

1. As published, a bracketed deletion notation appears before each definition. These notations are hereby removed, as

are the bracketed notations within the definition of "health services."

§ 122.408 Procedures for submission of applicants.

2. Is hereby changed to:

§ 122.408 Procedures for submission of applications.

§ 122.408(b):

(a) "[Delete "(1)"]" at the beginning of the first sentence is removed.

(b) "[Delete "(2)"]" twelve lines from the bottom of page 47085 is removed.

(c) "[add ";"]" six lines from the bottom of the same page is replaced by a comma. This line should now read: "agency, or when the applicant".

(d) "(1)" is replaced with "(i)" in line 8 of (b)(3) on page 47086.

§ 122.409 Adoption and public notice of health systems agency review procedures and criteria.

4. (a) "Coordination" is replaced by "Coordinating" in line 14 of (b)(1). This line now reads: "Statewide Health Coordinating Council".

(b) "person" is replaced with "persons" in the second line from the end of (b)(2). This line now reads: "substantially affect the rights of persons".

§ 122.412 Criteria for health systems agency review.

5. (a) "providers," is removed from line nine of (a)(10)(ii).

(b) "a" is replaced by "of" at the end of line thirteen of (a)(12).

§ 122.413 Period for health systems agency review.

6. "Systems" is added to the end of line seven of (a). This line now reads: "by this subpart, the period for health systems."

Dated: August 21, 1979.

Henry A. Foley,

Administrator, Health Resources Administration.

[FR Doc. 79-26389 Filed 8-22-79; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5678

[OR 11297]

Oregon; Public Land Order No. 5446, Correction

AGENCY: Bureau of Land Management, Interior

ACTION: Public Land Order.

SUMMARY: This document will correct Public Land Order No. 5446 of November 15, 1974, which contained a typographical error in describing a lot number.

EFFECTIVE DATE: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 5446 of November 15, 1974, appearing at page 40952 in the Federal Register of November 22, 1974, is hereby corrected by deleting lot 7, which was a typographical error and is nonexistent, and adding lot 6 which was inadvertently omitted.

Guy R. Martin,

Assistant Secretary of the Interior.

August 16, 1979.

[FR Doc. 79-26024 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Parts 171, 172, 173, 176, 178

[Docket No. HM-166A; Amdt. Nos. 171-49, 172-54, 173-131, 176-9, 178-56]

Research and Special Programs Administration; Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on rulemaking petitions from industry and from petitions within the Department. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions.

EFFECTIVE DATE: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, 400 7th Street, SW Washington, DC 20590, (202-426-2075).

SUPPLEMENTARY INFORMATION: On May 3, 1979, the Materials Transportation Bureau published a Notice of Proposed Rulemaking, Docket HM-166A, Notice No. 79-6 (44 FR 25886), which proposed a number of miscellaneous amendments to the hazardous materials regulations. Notice No. 79-6 included a brief statement regarding each proposal and invited public comment prior to the closing date of June 15, 1979. Based on comments received on this notice, these proposals are being incorporated as final amendments to the Hazardous Materials Regulations.

A total of seven comments were received on Notice No. 79-6. One commenter expressed approval of the new format which was used for the notice and his desire to see more of the proposals and final rules prepared in that same style. Two commenters requested that the word "opened" be deleted from the wording in § 173.7(a)(2) because some of the DOD packages must be opened for general inspection, condition of desiccant, electrical check test and various other reasons. In view of the above, MTB agrees that the word "opened" should be deleted in the amendment. One commenter supported the deletion of "Empty cartridge case, primed" from § 172.101 and the deletion of the requirement for a Class C label for "Cannon primers; Cartridge cases, empty, primed; Combination primer; Grenade, empty primed; Percussion cap; Small arms primer." The Air Transport Association (ATA) of America commented on three separate items. First, they questioned the proposal to delete "Diisopropylethanolamine" from § 172.101. The ATA suggested that, prior to issuance of final rulemaking, corrosive testing be performed by an impartial testing laboratory to verify the results produced by the Pennwalt Corporation. Corrosion tests were conducted by an independent testing laboratory and the test results on file with MTB indicate that diisopropylethanolamine is not corrosive when tested in accordance with Appendix A of Part 173.

The second comment by ATA was in reference to the labeling requirements in § 172.101 for the commodities named in § 173.107(h). Their main concern appeared to be that the proposed action would establish international dual standards, by the difference to ICAO and IATA. The MTB believes that this change will cause less confusion because it will now clearly state that a Class C label is not required by 49 CFR. On the other hand, if a shipper feels that the Class C explosives in question may be offered for export, the Class C label can be applied [See 49 CFR 172.401(c).] This change will eliminate one of the ambiguities in 49 CFR. The third comment was in reference to the marking or tagging of the small samples

of explosives being proposed under § 173.7(c). The marking or tagging will be on one of the inside "pouches" and is intended only as a warning to the individual opening the package.

The Union Carbide Corporation and the Hazardous Materials Advisory Council objected to the proposed change in § 171.8 that would revise the definition of "Hazardous Material" to read the same as in the Hazardous Materials Transportation Act. At the time the notice of proposed rulemaking was being prepared, it was believed that the proposed amendment was not controversial. Based upon Union Carbide Corporation's comments, and upon further considerations, the Bureau agrees that it is a controversial issue; therefore, the proposed change to § 171.8 has been withdrawn from this rulemaking.

Primary drafters of these amendments are Darrell L. Raines, Office of Hazardous Materials Regulation, Exemption and Regulations Termination Branch, and Evan C. Braude of the Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173, 176 and 178 are amended to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7 paragraph (c)(16) and (d)(16)(i) are revised to read:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(16) USDOE: United States Department of Energy, Washington, D.C. 20545. Regulations of the USDOE are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Other publications by the USDOE may be obtained fom the National Technical Information Center, U.S. Department of Commerce, Springfield, Virginia 22151.

(d) * * *

(16) * * *

(i) USDC, USDOE Material and Equipment Specification No. SP–9, Rev. 1, and Supplement, is titled "Fire Resistant Phenolic Foam."

* * * * *

2. In § 171.15 the first sentence of the introductory text of paragraph (b) is amended to read:

§ 171.15 Immediate notice of certain hazardous materials incidents.

* * * * *

(b) Each notice required by paragraph (a) of this section shall be given to the Department by telephone (toll-free) on 800–424–8802. * * *

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

3. § 172.101 is amended by deleting the entries "Diisopropylethanolamine," and "Empty cartridge case, primed." The Table is further amended by revising the following entries:

§ 172.101 Hazardous materials table.

BILLING CODE 4910-60-M

(1)	(2)	(3)	(4)	(5) Packaging		Maximum net quantity in one package		(7) Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Labels(s) required (if not excepted)	(a) Exception	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirement
	(change)									
	Cannon primers	Class C explosives	None	None	173.107	50 pounds	150 pounds	1,3	5	
	Cartridge cases, empty, primed	Class C explosives	None	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Combination primer	Class C explosives	None	None	173.107	50 pounds	150 pounds	1,3	5	
	Grenade, empty, primed	Class C explosives	None	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Percussion cap	Class C explosives	None	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Small arms primer	Class C explosives	None	None	173.107	50 pounds	150 pounds	1,3	1,3	

BILLING CODE 4910-60-C

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. In § 173.7 the introductory text of paragraph (a) is amended by adding the following sentence at the end of the paragraph; paragraph (c) is added to read:

§ 173.7 U.S. Government material.

(a) * * * Hazardous materials shipped by DOD under this provision may be reshipped by any shipper to any consignee provided the original packaging has not been damaged or altered in any manner.

* * * * *

(c) Shipments of explosive samples, not exceeding one gram net weight, offered by and consigned to the Bureau of Alcohol, Tobacco and Firearms (ATF) of the Department of the Treasury are not otherwise subject to the regulations in Parts 110–189 of this subchapter when placed in a specifically designed multi-unit assembly packed in a strong outside packaging. The packaging must be of a type accepted by ATF as capable of precluding a propagation of any explosion outside the packaging. The second component from the outside of the packaging must be marked or tagged to indicate the presence of an explosive.

5. In § 173.135 paragraph (a)(9) is revised to read:

§ 173.135 Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) * * *

(9) Specification MC 300, MC 303, MC 304, MC 306, MC 307, MC 330 or MC 331 (§§ 178.340, 178.341, 178.342, 178.337 of this subchapter). Tank motor vehicles having cargo tanks of steel or stainless steel construction. Bottom outlets, if any, must be equipped with valves conforming with § 178.342–5(a) of this subchapter.

* * * * *

6. In § 173.245b paragraph (a)(6) is revised to read:

§ 173.245b Corrosive solids not specifically provided for.

(a) * * *

(6) Plastic drum or pail not exceeding 95 pounds net weight and not over 7-gallon capacity.

* * * * *

7. In § 173.247 paragraph (a)(12) is revised to read:

§ 173.247 Acetyl bromide; acetyl chloride; acetyl iodide; antimony pentachloride; benzoyl chloride; boron trifluoride acetic acid complex; chromyl chloride; dichloroacetyl chloride; diphenylmenthyl bromide solutions; pyrosulfuryl chloride; silicon chloride; sulfur chloride (mono and di); sulfuryl chloride; thionyl chloride; tin tetrachloride (anhydrous); titanium tetrachloride; trimethyl acetyl chloride.

(a) * * *

(12) Specification MC 310, MC 311, MC 312, MC 330 or MC 331 (§§ 178.343, 178.337 of this subchapter). Tank motor vehicles.

* * * * *

8. In § 173.1080 paragraphs (a)(5) and (a)(6) are revised; paragraph (a)(7) is added to read:

§ 173.1080 Sulfur.

(a) * * *

(5) Sift-proof paper-lined burlap bag;

(6) Sift-proof rail car; or

(7) Sift-proof or lined freight container.

PART 176—CARRIAGE BY VESSEL

9. In § 176.30 the first sentence of the introductory text of paragraph (a) is amended; paragraph (c) is revised to read:

§ 176.30 Dangerous cargo manifest.

(a) The carrier, its agents, and any person designated for this purpose by the carrier or agents shall prepare a dangerous cargo manifest, list, or stowage plan. * * *.

* * * * *

(c) The carrier and its agents shall insure that the master, or a licensed deck officer designated by the master and attached to the vessel, or in the case of a barge, the person in charge of the barge, acknowledges the correctness of the dangerous cargo manifest, list or stowage plan by his signature. * * *.

* * * * *

10. In § 176.39 the first and last sentence of paragraph (a) are amended; paragraph (c) is revised to read:

§ 176.39 Inspection of cargo.

(a) *Manned vessels.* The carrier, its agents, and any person designated for this purpose by the carrier or agents shall cause an inspection of each hold or compartment containing hazardous materials to be made after stowage is complete, and at least once every 24 hours thereafter, weather permitting, in order to ensure that the cargo is in a safe condition and that no damage caused by shifting, spontaneous heating, leaking, sifting, wetting, or other cause has been sustained by the vessel or its cargo since loading and stowage. * * *. The carrier, its agents, and any person designated for this purpose by the carrier or agents shall cause an entry to be made in the vessel's deck log book for each inspection of the stowage of hazardous materials performed.

* * * * *

(c) The carrier, its agents, and any person designated for this purpose by the carrier or agents of each ocean-going vessel carrying hazardous material shall, immediately prior to entering a port in the United States, cause an inspection of that cargo to be made.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

11. In § 178.83, § 178.83–11 paragraph (a)(4) is added to read:

§ 178.83 Specification 5C; steel barrels or drums.

* * * * *

§ 178.83–11 Marking.

(a) * * *

(4) Tare weight in pounds preceded by the letters "TW" (for example TW121), except marking may be either embossed or stamped.

12. In § 178.120, the introductory text of paragraph (a) and paragraph (f) in § 178.120–2 are revised to read:

§ 178.120 Specification 20PF phenolic-foam insulated, metal overpack.

* * * * *

§ 178.120–2 Materials of construction and other requirements.

(a) Phenolic foam insulation must be fire-resistant and fabricated in accordance with USDOE Material and Equipment Specification SP–9, Rev. 1 and Supplement, which is a part of this specification. (Note: Packagings manufactured under USAEC Specification SP–9 and Rev. 1 thereto are authorized for continued manufacture and use.) A 5.4-inch (13.7 centimeter) minimum thickness of foam must be provided over the entire liner except:

* * * * *

(f) *Waterproofing*—Each screw hole in the outer shell must be sealed with appropriate resin-type sealing material, or equivalent, during installation of the screw. All exposed foam surfaces, including any vent hole, must be sealed with waterproofing material as prescribed in USDOE Material and Equipment Specification SP–9, Rev. 1 and Supplement, or equivalent.

13. In § 178.121 the introductory text of paragraph (a) and paragraph (g) in § 178.121–2 are revised to read:

§ 178.121 Specification 21PF fire and shock resistant, phenolic-foam insulated, metal overpack.

* * * * *

§ 178.121-2 Materials of construction and other requirements.

(a) Phenolic foam insulation must be fire resistant and fabricated in accordance with USDOE Material and Equipment Specification SP-9, Rev. 1 and Supplement, which is a part of this specification. (Note: Packagings manufactured under USAEC Specification SP-9, and Rev. 1 thereto are authorized for continued manufacture and use.) A 5.5-inch (14 centimeter) minimum thickness of foam must be provided over the entire liner except where:

* * * * *

(g) *Waterproofing*—Each screw hole in the outer shell must be sealed with appropriate resin-type sealing material, or equivalent, during installation of the screw. All exposed foam surfaces, including any vent hole, must be sealed with waterproofing material as prescribed in USDOE Material and Equipment Specification SP-9, Rev. 1 and Supplement, or equivalent.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on August 17, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-26245 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Subchapter B

[Notice No. 79-6]

Interpretations of the Federal Motor Carrier Safety Regulations; Correction and Deletion

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interpretation of rules.

SUMMARY: This correction and deletion is notification that the interpretations published in the **Federal Register** on November 23, 1977, supersede those now contained in 49 CFR 200 to 999, revised as of October 1, 1978.

EFFECTIVE DATE: November 23, 1977.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Regulations Development Branch, Regulations Division, Bureau of Motor Carrier Safety, (202-426-9767), or Mr. Gerald M. Tierney, Attorney, Motor Carrier and Highway Safety Law Division, (202-426-0346), Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The recently published 49 CFR Part 200 to Part 999, revised as of October 1, 1978, included a set of interpretations to Subchapter B of Chapter III. These interpretations should not have been included in the publication because they are old interpretations that had been superseded by new interpretations that were published in the **Federal Register** on November 23, 1977, (49 FR 60078).

This deletion and correction is being published to eliminate confusion about which interpretations are followed by the Federal Highway Administration. The Federal Highway Administration has followed and continues to follow the interpretations published at 49 FR 60078. All other interpretations are ineffective.

In consideration of the foregoing the Interpretations to Subchapter B, Chapter III of 49 CFR Part 200 to Part 999, revised as of October 1, 1978 are deleted, and the Interpretations published at 42 FR 60078 are still in effect.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

Issued on: August 10, 1979.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 79-25831 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Sport Hunting: National Wildlife Refuges In Iowa, Kansas, Missouri, and portions of Nebraska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport hunting of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunities to the public. These special regulations describe the condition under which sport hunting will be permitted on portions of certain National Wildlife Refuges in Iowa, Kansas, Missouri and portions of Nebraska.

DATES: As determined by applicable State and Federal laws.

FOR FURTHER INFORMATION CONTACT:

Tom A. Saunders, Area Manager, U.S. Fish and Wildlife Service, 2701 Rockcreek Parkway, Suite 106, North Kansas City, Missouri 64116, Telephone: 816-374-6166.

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, RR#1, Box 114, Missouri Valley, Iowa 51555, Telephone: 712-642-4121.

Michael J. Long, Refuge Manager, Flint Hills National Wildlife Refuge, P.O. Box 128, Hartford, Kansas 66854, Telephone: 316-392-5553.

Keith Hansen, Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas 67644, Telephone: 913-646-2373.

Gerry Clawson, Refuge Manager, Mingo National Wildlife Refuge, RR#1, Box 8, Puxico, Missouri 63960, Telephone: 314-222-3589.

Charles Darling, Refuge Manager, Quivira National Wildlife Refuge, P.O. Box "G", Stafford, Kansas 67578, Telephone: 316-486-2393.

Berlin Heck, Refuge Manager, Squaw Creek National Wildlife Refuge, P.O. Box 101, Mound City, Missouri 64470, Telephone: 816-442-3570.

Al Manke, Refuge Manager, Swan Lake National Wildlife Refuge, P.O. Box 68, Sumner, Missouri 64681, Telephone: 816-856-3323.

SUPPLEMENTARY INFORMATION:

General

Sport hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations subject to additional special regulations and conditions as indicated. Portions of refuges which are open to sport hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

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 these National Wildlife Refuges were established. This determination is based upon 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.

§ 32.12 Special regulations; migratory game bird hunting for individual wildlife refuge areas.

Iowa

DeSoto National Wildlife Refuge

Migratory game bird hunting is permitted only on an area comprising 174 acres located adjacent to U.S. Highway 30 on the north side of the refuge.

Only waterfowl species (ducks, geese, coots) may be taken.

Shooting hours shall be consistent with state regulations regarding opening hours and shall continue until 12 noon, daily.

All hunting will be by refuge permit only. Advance reservations for a specific date will be accepted, by mail, or in person, at refuge headquarters between the hours of 8:00 a.m.–5:00 p.m., Monday through Friday, from September 1 through September 30, 1979. A drawing to determine successful applicants will be held on Monday, October 1, 1979. Should openings remain following the drawing, reservation will be accepted on a first-come, first-serve basis on and after October 8, 1979. Reservations will not be accepted by telephone. Individuals will be allowed only one reservation at any one time. When this reservation is used, the individual may apply for an unfilled date. Applicants for reservations must be at least 16 years of age or older. A $3.00 fee must accompany each request for a reservation and this must be in the form of a check or money order made payable to "U.S. Fish and Wildlife Service." Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged a $1.00 blind-use fee when he registers to hunt.

Reservations are non-transferrable and fees will not be refunded. No provision shall be made for "standby" hunters.

All hunters must hunt from refuge-constructed 3-man blinds only.

Blinds will be assigned on a drawing basis each day of the hunt.

All hunting will be from assigned blinds only with the exception that wounded birds may be pursued and shot within the shooting zone (within 40 yards of blind, as posted). Wounded birds may be pursued beyond this point up to the retrieval zone line (within 100 yards of blind, as posted), but guns must remain within the shooting zone.

Hunters will be required to check in and out at the refuge check station on each hunting day.

Permit holders must park in assigned parking lots within the hunting area. Non-refuge hunters may not use the refuge parking areas as access to private lands.

Hunters are allowed the use of decoys (personal or rented at check station) and retrieving dogs (one per hunter). Goose decoys, up to 3 dozen may be rented at the refuge check station at a charge of $1.00 per dozen. Hunters will be responsible for rented decoys and will be charged for any decoys lost or damaged.

Only shotguns capable of holding three shells or less will be permitted.

Only steel shot loads will be allowed in the hunting area.

A maximum of 25 shells per hunter will be allowed per day.

Camping is not allowed on the refuge.

All litter, including empty shotgun shells, is to be picked up before leaving the blind site.

Kansas

Flint Hills National Wildlife Refuge

Public hunting of mourning doves, rails, woodcock, wilson's snipe, ducks, geese, coots and mergansers is permitted, but only on the area designated by signs as open to hunting.

Refuge hunting shall be subject to the following special conditions:

1. Vehicle access shall be restricted to designated parking areas and to existing roads.

2. Blind construction by the public is permitted but limited to temporary above ground construction. Constructed blinds become the property of the government. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come-first-serve basis.

3. The transportation or possession of firearms is not permitted on the Neosho River from the northern refuge boundary to and including the point where the river empties into John Redmond Reservoir, and extending to the southern refuge boundary, as marked by buoys.

Kirwin National Wildlife Refuge

Public hunting of mourning doves, ducks, geese, and coots is permitted only on the areas designated by signs as being open to hunting.

Refuge hunting shall be subject to the following special condition:

1. Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

Quivira National Wildlife Refuge

Public hunting of ducks, geese, coots, mourning doves, snipe, rails and woodcock is permitted only on the areas designated by signs as being open to hunting subject to the following conditions:

1. Blinds—only temporary blinds constructed above ground of natural vegetation are permitted.

2. Dogs—not to exceed two per hunter may be used only for retrieving.

Missouri

Mingo National Wildlife Refuge

Waterfowl hunting is permitted only on the areas designated by signs as being open to hunting, subject to the following conditions:

1. Dogs may be used to retrieve downed waterfowl with the hunting area.

2. Hunting in or entering any cultivated field, pasture or diked area is prohibited.

Swan Lake National Wildlife Refuge

Public hunting for geese only is permitted only on designated areas comprising 2,500 acres, subject to the following conditions:

1. Each hunter must obtain a State permit prior to hunting, hunt only from an assigned blind, and fire not more than ten (10) shells.

2. Daily bag is determined by applicable State and Federal laws.

3. Use or possession of 12-guage shells loaded with any material other than steel shot is prohibited. This steel shot provision does not apply to other gauges.

4. Authorized officials may retrieve legally shot geese falling inside the refuge boundary for the hunters who shot them.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Kansas

Flint Hills National Wildlife Refuge

The public hunting of small game animals, upland game birds, fur bearing animals and non-game animals is

permitted, but only on the area designated by signs as open to hunting subject to the following special conditions:

1. The use of rifles or pistols are prohibited on the refuge.

2. Vehicle access shall be restricted to designated parking areas and existing roads.

3. Dogs may be used only for hunting and retrieving small game animals and game birds. Dogs may not be used for hunting fur bearing animals and non-game animals, either by sight or trailing by scent.

Kirwin National Wildlife Refuge

The public hunting of pheasant, quail, rabbits and squirrels is permitted but only on the area designated by signs as open to hunting.

Quivira National Wildlife Refuge

Hunting of ring-necked pheasants, bobwhite quail, squirrel and rabbits is permitted but only on the area designated by signs as open to hunting subject to the following conditions:

1. The use of rifles is prohibited for taking squirrel and rabbits.

2. The hunting of any species after sunset if prohibited.

3. The hunting of all upland game will close at the end of the ring-necked pheasant and/or bobwhite quail seasons.

4. Dogs—not more than 2 per hunter.

Missouri

Mingo National Wildlife Refuge

Squirrel hunting is permitted on the areas designated by signs as being open to hunting subject to the following conditions:

1. The open season for hunting squirrels on the refuge extends from opening date of Statewide season, August 1, 1979 through September 30, 1979.

2. Hunters must register when entering the refuge and record kill when leaving.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Iowa

DeSoto National Wildlife Refuge

Archery Deer Hunting (Iowa) will be permitted October 6, 1979 through November 30, 1979, both dates inclusive.

Archery hunting of deer on the Iowa side is permitted only on an area comprising 600 acres located on the southeast portion of the refuge.

Portable blinds and ladders are permitted. No permanent tree blinds or stands may be built, or may any nails, wire, or other foreign material be used in any manner. All portable blinds must be removed by the close of the season. No firearms are permitted on the areas.

Vehicles shall be confined only to designated parking lots. Overnight camping in not allowed on the area.

Only those persons possessing a vaild state permit will be allowed to enter the area.

Nebraska

DeSoto National Wildlife Refuge

Archery Deer Hunting (Nebraska) will be permitted September 15, 1979 through November 9, 1979 and November 19, 1979 through December 31, 1979, all dates inclusive.

Archery hunting of deer on the DeSoto NWR, Nebraska, is permitted only on an area comprising 1,000 acres located on the west side of the Missouri River.

Portable blinds and ladders are permitted. No permanent tree blinds or stands may be built, or may any nails, wire, or other foreign material be used in any manner. All portable blinds must be removed by the close of the season. No firearms are permitted on the areas.

Vehicles shall be confined only to designated parking lots. Overnight camping is not allowed on the area.

Only those persons possessing a valid state permit will be allowed to enter the area.

Muzzleloader Hunting of deer on DeSoto NWR, Nebraska, is permitted on an area comprising approximately 3,350 acres located in the central portion of the refuge. The following special regulations apply to this hunt: A total of 100 special permits will be issued for the hunt by the Nebraska Game and Parks Commission. Only those persons possessing a valid state permit will be allowed to enter the area. Muzzleloader rifles are the only weapons allowed and deer of either sex are the only legal wildlife species that may be taken during the hunt. Discharging firearms from or across all roads open to vehicle traffic, including adjacent rights-of-way is prohibited. Camping and pets are not permitted on the refuge.

Entry to the open area will be permitted one hour before shooting hours. Shooting hours will be ½ hour before sunrise to ½ hour after sunset. All permit holders and vehicles must be out of the designated hunting area no later than one hour after sunset.

Vehicles shall be confined to designated roads, parking areas, and field access approaches. Parking is not permitted on asphalt roads.

Parking is permitted along graveled roads.

Portable blinds and ladders are permitted. No permanent blinds or stands may be built, or may any nails, wire, or other foreign materials be used.

Kansas

Flint Hills National Wildlife Refuge

Public hunting of deer, with bow and arrow is permitted but only on the area designated by signs as open to hunting subject to the following special conditions:

1. The area is open to big game hunting for white-tailed deer only.

2. Any use of rifles or pistols are prohibited on the refuge.

Kirwin National Wildlife Refuge

Public hunting of deer with bow and arrow is pemitted but only on areas designated by signs as open to hunting.

Missouri

Mingo National Wildlife Refuge

Public hunting of deer is permitted but only on areas designated by signs as open to hunting subject to the following conditions:

1. Hunting with bows and arrows only is permitted.

2. Hunters must register when entering and leaving the area.

3. Hunting from permanent tree stands (one that is connected to the tree by nails, screws, etc.) is prohibited.

Public hunting of turkey is permitted but only on areas designated by signs as open to hunting subject to the following conditions:

1. Hunting with bows and arrows only is permitted.

2. Hunters must register when entering and leaving the area.

3. Hunting from permanent tree stands (one that is connected to the tree by nails, screws, etc.) is prohibited.

Dated: August 17, 1979.

Tom A. Saunders,

Area Manager.

[FR Doc. 79-26025 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 44, No. 165
Thursday, August 23, 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

Agricultural Marketing Service

[7 CFR Part 926]

Tokay Grapes Grown in San Joaquin County, Calif.; Proposed Extension of Grade and Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This notice proposes to continue through November 30, 1979, the currently effective minimum grade and container marking requirements for fresh shipments of Tokay grapes grown in San Joaquin County, California. The current regulation, which will expire on September 30, 1979, unless extended, provides that (1) fresh shipments of Tokay grapes must meet grade and size specifications of U.S. No. 1 Table Grapes, and in addition, at least 30 percent of the berries in the lower quarter of each bunch shall show characteristic color, and (2) containers shall show a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected. These requirements are designed to assure that the grapes shipped will be of suitable quality in the interest of consumers and producers.

DATES: Written comments must be received on or before September 17, 1979. Proposed effective date: October 1, 1979.

ADDRESS: Send comments to the Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, DC 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: *Findings.* Tokay Grape Regulation 15 (§ 926.316; 44 FR 46427) which sets forth the currently effective grade and container marking requirements, will expire September 30, 1979, unless extended. This proposal would continue the requirements through November 30, 1979.

The proposed action was recommended by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926). The marketing agreement and order regulate the handling of Tokay grapes grown in San Joaquin County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Production of Tokay grapes for the 1979 season has been estimated by the Tokay grape Industry Committee as 104,525 tons, compared with a 1978 crop of 100,277 tons. The committee estimates fresh shipments for 1979 at 1 million 23-pound lugs as compared to actual shipments in 1978 of 946,334 lugs.

The grade and container requirements are designed to prevent the shipment of fresh Tokay grapes of lesser quality than specified and to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

The proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information upon which this proposal is based became available and the effective date necessary to effectuate the declared policy of the act. A determination has been made that this action should not be classified significant. A draft Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, DC 20250; Phone (202) 447–5975.

Under the proposal, Tokay Grape Regulation 15 (§ 926.316; 44 FR 46427) would be amended to read as follows:

§ 926.316 Tokay Grape Regulation 15.

(a) During the period October 1, 1979, through November 30, 1979, no handler shall ship:

(1) Any Tokay grapes grown in the production area which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals; at least 30 percent, by count, shall show characteristic color; and

(2) Any container of Tokay grapes grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definition.* As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 2851 880–912).

Dated: August 20, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-26228 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

[7 CFR Part 1125]

Milk in the Puget Sound, Wash., Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk that is not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The proposed suspension would remove the limit on such movements of milk during the months of September 1979 through January 1980. Two cooperative associations requested the suspension so that they can continue the efficient disposition of milk not needed for fluid use while still maintaining producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Comments are due on or before September 7, 1979.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S.

Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–7183).

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of certain provisions of the order regulating the handling of milk in the Puget Sound, Washington, marketing area is being considered for the period September 1979 through January 1980. The provisions proposed to be suspended are as follows:

1. In § 1125.13(c) (1) and (3), the words "70 percent during the months of September through January, and".

All persons who want to comment on the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the 15th day after **Federal Register** publication. The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool distributing plants to nonpool plants or to commerical food processing establishments in Pacific County, Washington, during the months of September 1979 through January 1980. The order now provides that a cooperative association may divert during the months of September-January not more than 70 percent of its total producer milk which it causes to be delivered to pool distributing plants or diverted from such plants. In the case of a pool distributing plant, the 70 percent limit applies to the milk of producers (for which the operator of such plant is the handler during the month) received at or diverted from such plant.

Jersey-Dari, Inc., and Northwest Guernsey Association (through their marketing agent, Dari-Marketing Services) who represent some of the producers on the market requested the suspension. The basis for the request is that recently the associations lost a substantial part of their fluid milk sales in the market because one distributing plant stopped purchasing milk from them and another distributing plant discontinued operations. They state that since other fluid outlets are not immediately available the two cooperatives now must move to nonpool manufacturing plants the milk formerly moved to these distributing plants. This situation, according to the proponent cooperatives, is aggravated by the fact that this year milk production of their member producers is substantially higher than year-ago levels.

In view of these changes in marketing conditions, the cooperatives expect their reserve milk supplies during September 1979 through January 1980 to exceed the quantity of producer milk that may be diverted under the order's diversion limitations. The cooperatives indicated that without the suspension a substantial part of the milk of their member producers who have regularly supplied the fluid market would have to be moved uneconomically if such milk is not to be excluded from the pool beginning in September 1979. The cooperative also indicated that the suspension for the period September 1979 through January 1980 would provide the necessary time to adjust their marketing operations and reorganize the cooperatives to meet the order's present diversion requirements.

Signed at Washington, D.C., on: August 17, 1979.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-26143 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Chapter I]

Proposed San Juan, Puerto Rico, Terminal Control Area; Informal Airspace Meeting

AGENCY: Federal Aviation Administration/DOT.

ACTION: Notice of informal airspace meeting, proposed San Juan, Puerto Rico, terminal control area.

SUBJECT: The Federal Aviation Administration (FAA) will hold an Informal Airspace Meeting in San Juan, Puerto Rico, for the purpose of discussing a plan by the FAA to establish a Group II Terminal Control Area (TCA) for the Puerto Rico International Airport.

DATE: October 9, 1979, 7 p.m. (local time).

ADDRESS: Puerto Rico Ports Authority Meeting Area, Pier #1, San Juan, Puerto Rico.

FOR FURTHER INFORMATION, CALL: Mr. Clifford C. Monteau, FAA Southern Region, telephone: (A/C 404) 763–7866, or Jose Rodriguez, San Juan CERAP, telephone: (A/C 809) 791–4830.

SUPPLEMENTARY INFORMATION: The purpose of this Informal Airspace Meeting is to offer all persons likely to be affected by the proposed TCA the opportunity to present their views, and to assist the FAA in the preparation of an airspace docket that will accomplish the improved safety objectives with the least possible impact on the airspace users.

No formal minutes or transcripts will be taken; however, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rulemaking (NPRM) in the event the item is formally proposed.

Issued in Atlanta, Georgia, on August 6, 1979.

Lonnie D. Parrish,

Chief, Air Traffic Division, Southern Region.

[FR Doc. 79-26135 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-13M

[14 CFR Part 71]

[Airspace Docket No. 79-SO-52]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Control Zone, Troy, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice propose to alter the Troy, Alabama, Control Zone by designating additional controlled airspace and revoking an unnecessary portion. A new public use instrument approach procedure has been developed for the Troy Municipal Airport which will replace a less effective procedure. These changes are necessary to provide required airspace protection for instrument flight operations.

DATES: Comments must be received on or before: October 1, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Federal Aviation

Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

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, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 1, 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. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

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 place on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate a control zone extension which is required to protect aircraft executing the new VOR RWY 7 standard instrument approach procedure to the Troy Municipal Airport. Revocation of the control zone extension associated with the VOR–A procedure is necessary because this procedure will be canceled when the new one becomes effective. These changes are necessary due to the VOR site relocation on the airport and aviation needs.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (44 FR 353), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Troy, Alabama

". . . within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from 5-mile radius zone to 8.5 miles south of the VOR . . ." is deleted and ". . . within 3 miles each side of the 245° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR . . ." is substituted therefor.

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

Note—The Federal Aviation Administration 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 East Point, Georgia on August 8, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79–25968 Filed 8–22–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 73]

[Airspace Docket No. 78–EA–87]

Proposed Designation of VOR Federal Airway

Correction

In FR Doc. 79–24277, appearing on page 46856 the heading should have appeared as set forth above.

CIVIL AERONAUTICS BOARD

[14 CFR Part 374a]

[SPDR–72; Docket No. 35042; Dated: August 20, 1979]

Extension of Credit by Air Carriers to Political Candidates

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes that the time within which a political candidate must pay an air carrier's monthly bills be extended from 14 to 25 days. The action is taken in response to a petition for rulemaking filed by United Air Lines.

DATES: Comments by: October 22, 1979. Reply comments by: November 13, 1979.

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

Requests to be put on the Service List by: September 4, 1979. Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 35042, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., 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, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202–673–5442.

SUPPLEMENTARY INFORMATION: By petition filed March 13, 1979, United Air Lines requested that a rulemaking proceeding be instituted to amend Part 374a of the Board's Special Regulations (14 CFR Part 374a) to allow political candidates, and persons campaigning on their behalf, 25 days to pay their monthly (semi-monthly during the two months before the election) bills from air carriers. Presently payment is required (§ 374a.4(a)(3)) within 14 days, and the change would bring the payment period for political candidates into line with the period normally used in dealing with the general public. Another provision of Part 374a, § 374.4(a)(5)(ii), requires that travel bills of persons acting on a candidates behalf be billed to the candidate within 7 days after they become overdue, with the candidate then given 14 days to pay, after which they will be considered overdue bills of the candidate. The petition asked that this period also be extended to 25 days. Further extensions of credit are barred until overdue bills are paid in full. The part also contains reporting and record-retention requirements.

The basis for the Board's requirements concerning air transportation debts of political candidates in Section 401 of the Federal Election Campaign Act of 1971 (FECA) (Pub. L. 92–225, 86 Stat. 19, 2 U.S.C. 451), which requires the Civil Aeronautics Board, the Federal Communications Commission and the Interstate Commerce Commission to promulgate regulations for the extension of credit, without security, to candidates for Federal office or persons acting on their

behalf, for services rendered in connection with the campaign. Congress' concern in enacting this legislation was to prevent regulated industries from extending large amounts of unsecured credit to political candidates, which to a great extent remained unpaid after the election.

United's petition, supported by American, Delta, Braniff and TWA, stated that the present system is unnecessary and inconvenient, and that compliance causes suspension of credit to persons for reasons not connected with their creditworthiness. It said that many aspiring and present federal legislators maintain personal accounts with the normal 25-day payment period, which must be changed to a 14-day period when they announce their candidacy for election (or reelection) for federal office. This subjects all parties to the likelihood of errors and misunderstanding.

Delta argued that allowing the air carriers to maintain the same billing procedures for political candidates as for all other accounts would result in more efficient and less burdensome accounting procedures, and the cost savings could be passed on to the consumers. Delta also stated that, with the Board's present stringent reporting requirements and credit limitations for political candidates, the potential for abuse is minimal.

The Board tentatively concludes that there is no compelling reason to require payment within the short 14-day period. Retaining the other provisions in this part would be sufficient to carry out the intent of Congress in enacting FECA. This amendment would increase the amount of time the air carrier could extend credit by 11 days, but would still require that if the debt remained unpaid at the end of the prescribed period, further credit be refused. The requirements that air carriers file statements with the Board disclosing all candidates carrying balances of over $5,000 on the last day of each month, and separate statements for aggregate staff debts of over $5,000, would satisfy the public disclosure requirement of FECA and ensure prompt payment and effective collection. The air carriers would still be required to submit monthly statements to each candidate (until September and October of the election year when the statements must be submitted on at least a semi-monthly basis), with the records retained for 2 years.

The arguments that the proposed amendment would ease administrative costs are persuasive, and we agree that the carriers are in the best position to establish practical and efficient of alternative billing practices. If any air carrier wanted to require payment within a shorter period, it would of course be free to do so.

Accordingly, the Civil Aeronautics Board proposes to amend § 374a.4 (a)(3) and (a)(5)(ii) of 14 CFR Part 374a, *Regulations Pursuant to Section 401 of the Federal Election Campaign Act of 1971 With Respect to Extension of Credit by Air Carriers to Political Candidates*, to read:

§ 374a.4 Conditions governing extension of unsecured credit.

(a) * * *

(3) The amount of indebtedness shown on each such statement shall be payable in full no later than 25 days after the last day of the billing period, after which time the indebtedness shall be overdue.

* * * * *

(5)(i) * * *

(ii) Within 7 days after indebtedness becomes overdue for any unsecured credit extended by an air carrier to a person acting on behalf of a candidate in accordance with paragraph (a)(5)(i) of this section, the carrier shall notify such candidate in writing of the amount of such overdue indebtedness, and, unless paid in full within 25 days after the day of such notice, such overdue indebtedness shall be deemed to be the overdue indebtedness of such candidate, for the purposes of paragraph (a)(4)(i) of this section.

* * * * *

(Sec. 204, 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-26217 Filed 8-22-79; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-16107, File No. S7-787]

Extension of Comment Period on Proposed Rule 11Aa2-1 Under the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: On June 15, 1979, the Commission published for comment Proposed Rule 11Aa2-1 under the Securities and Exchange Act of 1934 which, if adopted, would provide procedures by which securities would be designated as qualified for trading in a national market system. The time for submitting comments would have expired August 15, 1979, however, the Commission has extended the period to September 30, 1979.

DATES: Comments should be submitted on or before September 30, 1979.

ADDRESS: Persons wishing to submit written comments should file ten copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-787 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard Ketchum, Branch Chief, Division of Market Regulation, Securities and Exchange Commission, Room 387, 500 North Capitol Street, Washington, D.C. 20549 (202) 755-8916.

SUPPLEMENTARY INFORMATION: On June 15, 1979, the Commission published for comment Proposed Rule 11Aa2-1 under the Securities Exchange Act of 1934 which, if adopted, would provide procedures by which securities would be designated as qualified for trading in a national market system. In addition, the Commission invited public comment on certain proposed rule amendments which would require the dissemination of transaction and quotation information with respect to certain securities currently traded solely over-the-counter within two months after the date the Commission approves a designation plan submitted by the self-regulatory organizations pursuant to Proposed Rule 11Aa2-1.

Notice of the request for comments was given by Securities Exchange Act Release No. 34-15926 (June 15, 1979) and by publication in the **Federal Register** (44 FR 36912 (June 22, 1979)). Interested persons were invited to submit written data, views and arguments prior to August 15, 1979. The Commission has received written requests for an extension of the comment period deadline from the Philadelphia Stock Exchange, Inc. and the National Security Traders Association. Other interested persons have also indicated that an extension of the comment period would be in the public interest. Accordingly, the Commission today has extended the period for the submission of written data, views and arguments concerning the foregoing proposed regulatory initiatives until September 30, 1979. However, no further extension of time will be granted with respect to this matter.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 14, 1979.

[FR Doc. 79-26197 Filed 8-22-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 2, 131, 156, 157]

[Docket No. RM 79-70]

Floodplain Management and Protection of Wetlands

Issued: August 20, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission is amending its regulations to implement Executive Order Nos. 11988 and 11990, respectively entitled Floodplain Management and Protection of Wetlands. The proposed amendments would operate in conjunction with the Commission's proposed regulations implementing the National Environmental Policy Act. The proposal in this docket would guide applicants under the Natural Gas Act and the Federal Power Act in evaluating the impact of the proposed projects on floodplains and wetlands and in supplying information on those projects to the Commission and the public. The proposal also directs applicants to avoid new construction in these environmentally sensitive areas, were applicable. In complying with the spirit of the Executive Orders, the proposed amendment would help minimize health hazards and environmental damage in wetland areas or where there exists a substantial risk of flood loss.

DATE: Written comments by September 17, 1979.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426. Reference Docket No. RM79-70.

FOR FURTHER INFORMATION CONTACT: James Hoecker, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8106, 825 North Capitol Street, NE., Washington, DC. 20426. Phone (202) 275-0422.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) gives notice that it proposes to amend its Regulations to implement Executive Order Nos. 11988 and 11990 respectively entitled Floodplain Management and Protection of Wetlands. The proposed amendments would operate in conjunction with the Commission's proposed regulations implementing the National Environmental Policy Act to guide applicants in evaluating the impact of proposed projects on floodplains and wetlands and in supplying information on those projects to the Commission and the public.

Background

The proposed regulations would implement the provisions of Executive Order No. 11988—Floodplain Management and Executive Order No. 11990—Protection of Wetlands. Both executive orders concern actions of Federal agencies taken to protect wetlands and floodplains. Although the Commission, as an independent regulatory agency, is not bound by the executive orders, it has for many years taken into account in its decisionmaking processes, the potential impact on floodplains and wetlands. It has also determined that implementing procedures which reflect the provisions and policies of those orders, consistent with its independent regulatory functions, is in the public interest.

Section 1 of E.O. 11990, Protection of Wetlands, provides, in pertinent part:

> Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for . . . conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

Section 5 of E.O. 11990 provides:

> In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are: (a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;
>
> (b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and
>
> (c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

Although E.O. 11990, by the terms of Section 1(b), does not apply to the issuance of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property, the Commission proposes, pursuant to its general responsibilities under the National Environmental Policy Act, to apply certain environmental review requirements to applications involving new construction on non-Federal, as well as Federal, wetlands. Existing environmental regulations require some wetlands information, and the Commission has long sought that information in its proceedings. However, the proposed regulations would serve to underscore explicitly the additional data requirements necessary to identify and protect these environmentally sensitive areas within the NEPA processes described in Docket No. RM79-69.

Section 1 of E.O. 11988, Floodplain Management, provides, in pertinent part:

> Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for . . . (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

Section 2(c) of E.O. 11988 specifically addresses the responsibilities of licensing agencies:

> (c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the programs . . . that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

In keeping with the spirit of E.O. 11988, this Notice of Proposed Rulemaking will be transmitted to the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality with a specific request for their comments on these proposed regulations.

The Floodplain Management Guidelines for Implementing E.O. 11988 issued by the U.S. Water Resources Council recognize "the responsibility for individual agencies to tailor their procedures to meet both their legislatively prescribed missions and the requirements of the Order." Accordingly, the Commission is proposing these regulations in a form applicable to its independent regulatory decisionmaking procedures.

Discussion of the Proposed Regulations

The purpose of the proposed rule is to provide applicants with guidance to evaluate the effects of their proposed actions on floodplains and wetlands prior to the submission of applications for Commission approval. Furthermore, proposed amendments would require applicants to provide the Commission with sufficient information to evaluate any impact that would result from siting a proposed action in a floodplain or wetland, any flood hazard that might result, and siting alternatives that should be considered. The proposed amendments would require early public notice in the local area likely to be affected by a proposed action under section 7 of the Natural Gas Act which would affect a floodplain or wetland.

The proposed amendments reflect an expansion of the requests for environmental data explicitly required for an applicant's Environmental Report to the Commission, in compliance with the National Environmental Policy Act, to include information on any floodplains and wetlands affected. The key provisions proposed are those included under Part 2, Appendices A and B, "Components of an Environmental Report." Under the proposed amendment, floodplains and wetlands information would have to be provided in all applications for which an Environmental Report is required.[2]

A number of provisions in existing and proposed regulations currently require environmental information that include much of the information required under both the Floodplain Management and the Protection of Wetlands executive orders. Numerous provisions require an assessment of the impact on ecosystems and habitats including floodplains and wetlands, in the area of the proposed action. Applicants must set forth possible natural catastrophes as well as implications of a proposed action for human health and safety. The several revisions proposed by this rulemaking make explicit that the more general terminology used throughout the Components of an Environmental Report and other regulations ought to include the floodplains and wetlands considerations enunciated in E.O. 11988 and E.O. 11990. Section 2.13 is amended to include avoidance of floodplains and wetlands in the design and construction of projects under the Federal Power Act as a policy to be followed where practical. Likewise, these areas are to be avoided by gas pipeline construction and operation, where practical, under amendments to § 2.69.

Executive Orders 11988 and 11990 call for public notice and an opportunity for early public review of proposed actions in floodplains and wetlands. Current Commission procedures under Sections 4 and 6 of the Federal Power Act (16 U.S.C. 797 and 799) require public notice upon the filing of relevant water power project applications (§§ 3.113–.114). In addition to the required notice in a newspaper in the county or counties affected, the Commission also publishes notice in the **Federal Register** and gives specific notice to any State or municipality likely to be interested. However, under the proposed amendments, the notice would be expanded to mention specifically floodplain and wetlands considerations in the description of the proposed action. Thus, there is no need for a revision of publication procedures which currently apply to applications made under the Federal Power Act.

With respect to applications under the Natural Gas Act, current notice requirements are embodied in §§ 156.8 and 157.9 of the Commission regulations. These requirements provide for notification of affected states and publication in the **Federal Register.** The present rulemaking proposes to expand those provisions in cases where a floodplain or wetland is involved to include notice to affected municipalities and publication of notice in the affected local area. Similar to the proposed treatment of applications under the Federal Power Act, the content of the notice would be expanded to reflect floodplains and wetlands considerations based on the information required in environmental reports filed as part of the application under the Natural Gas Act.

Related Rulemaking Proceedings

The Commission has proposed regulations to in Docket No. RM79–36, reform the license application for major water power projects [more than 1.5 MW or 2,000 horsepower] at existing dams. As in Phase I of the Commission's reform of water power project licensing,[1] an environmental report commensurate with the scope of the project is prescribed in the regulations in Docket No. RM79–36. While the proposed rule set forth below would amend the Environmental Report in § 131.6 to alert the applicant for a license for a minor water power project to the policy of protecting floodplains and wetlands, the Commission also gives notice that it will include similar language in the Environmental Report requirements which will be adopted in Docket No. RM79–36. Proposed Exhibit E in § 4.51(f) will be revised in subparagraphs (1) and (6) to reflect the concerns of this rulemaking as follows:

(f) * * *

(1) *General description of locale.* The applicant must provide a general description of the environment of the project and its immediate vicinity. The description must include general information concerning climate, topography, *wetlands,* vegetative cover, land development, population size and density, *the presence of any floodplains and the occurrence of flood events in the vicinity of the project,* and any other subjects helpful to an understanding of the setting.

* * * * *

(6) *Report on land management and aesthetics.* The applicant must provide a report on the management of land within the proposed project boundary, *including wetlands and floodplains,* and the protection of the scenic values of the project. * * * The report must contain:

* * *

(vi) *a description of wetlands or floodplains within or adjacent to the project boundary, any short- or long-term impact from the project on those wetlands or floodplains, and any alternatives to the project or mitigative and restorative measures considered by the applicant, including flood minimization measures. (Underlining* for emphasis only.)

The Commission will also insert language in its final Regulations Prescribing General Provisions for Preliminary Permit and License Applications, Docket No. RM79–23, to reflect the concerns of this rulemaking. Proposed § 4.81(c)(2)(i) of that docket will be amended to read:

(i) a description, including the approximate location, of any activity that would alter or disturb lands or waters in the vicinity of the proposed project, *including floodplains or wetlands,* and measures that would be taken to minimize any such disturbance and measures to restore altered or disturbed areas.

[2] Under Docket No. RM79–69, Appendices A and B will be transferred to proposed Part 3d, Regulations Implementing the National Environmental Policy Act. Appendix B will continue to apply to all applications under the Natural Gas Act, but Appendix A is being replaced by Environmental Report sections in new water power project licensing provisions and will apply only to major unconstructed water power projects until §§ 4.40 through 4.42 are revised and Appendix A is eliminated. Environmental Reports will be required for projects under Part I of the Federal Power Act, and under § 7(c) of the Natural Gas Act, according to § 3d.12 of the proposed NEPA regulations. Therefore, the "abbreviated application" permitted by the appendices will not be permitted, and is proposed to be eliminated in Docket No. RM79–69.

[1] Simplified Procedures for Certain Water Power Licenses, Order No. 11, September 5, 1978 (Docket No. RM78–9).

Appendix A of Part 2, which is amended by this rulemaking, will constitute the Environmental Report for major unconstructed water power projects after Docket No. RM79–36 is issued as a final rule by the Commission. As stated in footnote 2, Appendices A and B will be transferred to Part 3d of the regulations by the NEPA rulemaking, Docket No. RM79–69. However, Appendix A will be eliminated when the licensing procedures for major unconstructed water power projects are revised, because at that time a separate Environmental Report requirement will be included in the regulations applicable to such projects.

Comment Procedure

Interested persons are invited to submit written comments, data, views, suggestions, or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, and should reference Docket No. Rm79–70. An original and 14 copies should be filed. All comments received by September 17, 1979, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be place in the public file which has been established in this docket and which is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capital Street, NE., Washington, DC., during regular business hours.

(National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321–4347; Federal Power Act, 16 U.S.C. 792–828c; Natural Gas Act, 15 U.S.C. 717–717w; Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352; Executive Order 12009, 42 FR 46267.)

In consideration of the foregoing, the Commission proposes to amend Parts 2, 131, 156, and 157 of Chapter I, Title 18, Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 2.13 is amended by adding a paragraph (d) to read as follows:

§ 2.13 Design and construction.

* * * * *

(d) Where practical, proposed actions should avoid locations involving wetlands or floodplains.

2. Section 2.69 is amended by revising paragraph (a)(1)(iii) and by adding clause (x) to paragraph (a)(3) to read as follows:

§ 2.69 Guidelines to be followed by natural gas companies in the planning, locating, clearing, and maintenance of right-of-way and the construction of aboveground facilities.

(a) * * *

(1) *Pipeline construction.* * * *

(iii) Rights-of-way should avoid heavily timbered areas, steep slopes, wetlands, and floodplains, where practical.

* * * * *

(3) *Construction of aboveground appaurtenant facilities.*

* * * * *

(x) Where practical, aboveground facilities should not be sited in wetland or floodplain areas.

3. Appendices A and B of Part 2 are amended in paragraph 1.2 of the "Components of an Environmental Report" of each by adding the following at the end thereof:

State specifically whether the proposed action would involve new construction within a floodplain as defined in Executive Order No. 11988 (42 FR 26951, May 25, 1977) or a wetland as defined in Executive Order No. 11990 (42 FR 26961, May 25, 1977). Provide U.S. Department of Housing and Urban Development floodplain maps or other "best available" information to indicate which portions of the proposed action would involve new construction within a floodplain or wetland as defined above.

4. Appendices A and B of Part 2 are amended in paragraph 2.4.2 of the "Components of an Environmental Report" of each by adding the following at the end thereof:

Describe flood events and other pertinent environmental factors in sufficient detail to support an analysis of the proposed action's impact on the floodplain and any hazards created by its location in the floodplain.

5. Appendices A and B of Part 2 are amended in paragraph 4 of the "Components of an Environmental Report" of each by inserting the words "flood hazard minimization," after the word "including".

6. Appendices A and B of Part 2 are amended in paragraph 8.3 of the "Components of an Environmental Report" of each by revising the first sentence to read as follows:

8.3 *Sites and locations*—Dicuss considerations given to alternative sites and locations, including those sites and locations that would avoid or minimize impacts on floodplains or wetlands.

7. Section 131.6 is revised in paragraph (3) of the Environmental Report to read as follows:

§ 131.6 Application for short-form license (minor).

* * * * *

Environmental Report. (1) * * *

(2) * * *

(3) A description of the expected environmental impact resulting from the continued operation of an existing project, or from the construction and operation of a new project or a project using an existing dam or other existing facility, including attention to the consequences of project construction and operations for any floodplains or wetland areas. Include a discussion of specific measures (including the cost of those measures and the party undertaking to implement those measures if other than the applicant) proposed by the applicant and others which would: (i) protect and enhance environmental resources; (ii) mitigate adverse impacts on environmental resources and values; and (iii) minimize any flood hazards.

§§ 156.8,157.9 [Amended]

8. Section 156.8 and § 157.9 are amended by adding a sentence at the end of each to read:

When an application proposes an action within a floodplain or wetland area, approporiate notice will be published in a newspaper of general circulation in the county or counties that would be affected by the proposed action.

[FR Doc. 79–26198 Filed 8–22–79; 8:45 am]

BILLING CODE 6450–01–M

[18 CFR Parts 2 and 271]

[Docket No. RM79–67]

Procedures Governing Applications for Special Relief Under Sections 104, 106 and 109 of the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Because the Natural Gas Policy Act of 1978 (NGPA) has superseded the special relief and optional certificate procedures formulated under the Natural Gas Act (NGA), the Commission is considering promulgating regulations for special relief under sections 104, 106, and 109 of the NGPA and deleting its special relief regulations formulated under the NGA.

DATES: Comments are due on or before September 14, 1979.

ADDRESS: Send comments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. Comments should reference

Docket No. RM79–67 on the outside of the envelope and on all documents submitted to the Commission.

FOR FURTHER INFORMATION CONTACT:

Jane Phillips, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8104–B, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202)275–0422.

Louis Engel, Division of Producer Rates and Certificates, Federal Energy Regulatory Commission, Room 6300, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202)275–4539.

Issued August 14, 1979.

Background

On the effective date of Title I of the Natural Gas Policy Act of 1978 (NGPA), P.L. 95–621, the Federal Energy Regulatory Commission (Commission) issued an Order With Respect To Optional Procedure Cases.[1] The order notified producers that the NGPA had superseded the special relief and optional certificate procedures formulated under the Natural Gas Act (NGA) and that the Commission intended to issue a transitional rule with respect to pending optional procedure cases. The regulations here proposed govern the granting of special relief under the NGPA for new applications and pending special relief and optional procedure applications filed under the NGA.

The proposed regulations, Subpart J of Part 271, would implement sections 104(b)(2), 106(c), and 109(b)(2) of the NGPA which provide that the Commission may, by rule or order, prescribe a maximum lawful price in excess of that prescribed by the respective sections if such price would be just and reasonable within the meaning of the NGA. The Commission's authority under these sections of the NGPA to grant such special relief is limited to gas committed or dedicated to interstate commerce on November 8, 1978, (section 104), gas sold under rollover contracts (section 106) and gas not covered by any other maximum lawful price under Title I of the NGPA (section 109). Gas qualifying under these sections would be eligible for special relief whether or not such gas also qualifies under other sections of the NGPA.

While the applicability of the proposed rulemaking is limited to gas qualifying under sections 104, 106 and 109 of the NGPA, the Commission specifically solicits comments on whether the scope of the regulations could or should be extended, through the authority granted to the Commission in section 107, to apply to gas subject to sections 102, 103, 105, and 108 of the NGPA. Section 107 of the NGPA authorizes the Commission to prescribe maximum lawful prices to the extent necessary to provide reasonable incentives for the production of "high cost natural gas" and to determine under subsection (c)(5) of that section what gas shall be considered to be high cost natural gas because "produced under such * * * conditions as the Commission determines * * * present extraordinary risks or costs." Presumably, an extension of special relief to gas qualifying only under sections 102, 103, 105, and 108, if deemed permissible or advisable, would be accomplished through use of the Commission's authority under section 107. In addition, the Commission solicits comments as to whether it has authority under section 110 of the NGPA to allow the equivalent of a special relief rate as a production-related cost for gas subject to sections 102, 103, 105, and 108.

As proposed, the regulations prescribe the circumstances under which a first seller of natural gas may seek a special relief rate, the manner in which the application is to be made, the cost standards which will be used in determining the special relief rate, and the procedures by which the application will be reviewed and decided.

The Federal Power Commission (FPC) considered special relief initially in the first area rate proceeding, *Permian Basin Area Rate Proceeding (Permian I)*.[2] It was to act as a "safety valve" for producers for which gas sales at the applicable area rates would amount to an unconstitutional taking of private property without due process.[3]

In 1974 the FPC issued Opinion No. 699,[4] which established nationwide rather than areawide rates. Neither in the area rate opinions nor in Opinion No. 699, did the FPC indicate what special circumstances, other than the "out-of-pocket" expense test, would qualify gas sales for special relief. The rules governing special relief were codified at 18 C.F.R. § 2.56a(g).

Opinion No. 749, issued in 1975,[5] authorized special relief for older vintage "flowing gas." This rule was codified at 18 CFR § 2.56b(h) and used the "out-of-pocket" expense standard. In 1976, the FPC issued Opinion No. 770–A establishing the second biennial national rate. The concept of special relief was upheld judicially [6] and was codified at 18 C.F.R. §§ 256a(g).

During the early 1970's the FPC established three other broad categories of "special relief." Order No. 481 [7] adopted a special relief procedure as an alternative to abandonment for wells nearing their economic limit. This procedure, codified at 18 CFR § 2.76, allowed recovery of added investment necessary to keep the well in production. This standard was less stringent than the "out-of-pocket" test used in the national rate opinions which allowed only recovery of operating costs. In 1973 the FPC issued Order No. 482 [8] establishing a special relief provision, codified at 18 CFR § 2.77, to induce sales of gas which would otherwise be flared. No applications have been made to date under this procedure. The FPC promulgated the optional certificate procedure, codified at 18 CFR § 2.75, in 1972 as an alternative to area ratemaking. Its purpose was to bring new, long-term dedications of gas into the interstate market by providing the incentives of higher rates and price certainty. As applied, this procedure allowed recovery of full costs of a gas supply project plus a 15 percent return.[9]

In conjunction with the regulations here proposed, the Commission proposes to delete from its current regulations §§ 2.56a(g), 2.56b(h), 2.75, 2.76, and 2.77. A pending application filed under any of these sections would be deemed to have been withdrawn for failure to go forward unless the applicant filed, within 30 days of issuance of the this proposed rule in final form, a notice of intent to proceed with its application under Subpart J. The applicant would also be required to conform the original application to the requirements of Subpart J.

Nature of the Proposed Regulations

The proposed regulations establish standards and procedures for the granting of special relief for gas subject to the maximum lawful prices

[1] Order With Respect to Optional Procedure Cases, (Docket Nos. CI76–590 *et al.*) (issued December 1, 1978) (regarding Appalachian Exploration and Development, Inc., *et al.*).

[2] 34 F.P.C. 159 (1965), aff'd *sub nom.*, Permian Basin Area Rate Cases, 390 U.S. 747 (1968).

[3] Id. at 180, 226.

[4] 51 F.P.C. 2212, aff'd *sub nom.*, Shell Oil Co. v. FPC, 520 F.2d 1061.

[5] Aff'd *sub nom.*, Tenneco Oil Co. v. FERC, 571 F.2d 834.

[6] Tenneco Oil Co. v. FPC, (5th Cir., April 18, 1978.)

[7] 49 F.P.C. 992 (1973).

[8] 49 F.P.C. 996 (1973).

[9] *See, e.g.*, American Natural Gas Production Co., Order Granting Certificate of Public Convenience and Necessity (Docket No. CI77–657) (Dec. 5, 1978). Although the optional procedure was affirmed, Moss v. FPC 424 U.S. 494 (1976), no application has yet withstood judicial scrutiny. *See*, Consumers Union of U.S., Inc. v. FPC, 510 F.2d 656 (1974), *reversing* Belco Petroleum Corp., Opinion No. 659, 49 F.P.C. 1154 (1973) and Public Service Commission of New York v. FERC, No. 76–1352, (D.C. Cir., Sept. 23, 1978), *reversing* Pennzoil Producing Co., Opinion No. 752, 12 F.P.S. 5–385 (1976).

prescribed in sections 104, 106, and 109 of the NGPA. These sections apply respectively to gas committed or dedicated to interstate commerce on November 8, 1978; gas sold under rollover contracts; and gas not covered by any other maximum lawful price under Title I of the NGPA.[10] In accordance with section 101(b)(5) of the NGPA (which provides that gas qualifying for more than one maximum lawful price or "any exemption from such a price" shall qualify for the highest applicable price), even if natural gas is also determined under Part 274 to be new natural gas (section 102), gas produced from new onshore production wells (section 103), high-cost natural gas (section 107) or stripper well gas (section 108), or if it is gas sold under an existing intrastate contract (section 105), it could still be eligible for a special relief rate.

Eligibility

In order to apply for special relief for a sale of natural gas, an applicant must be a first seller of the gas (rather than a reseller) and must have contractual authorization for the rate sought at the time the initial application is filed under Subpart J. Section 271.1004(b)(2) permits an applicant who originally filed an application under §§ 2.56a(g), 2.56b(h), 2.75, 2.76 and 2.77 (old procedures) to continue the application under Subpart J. To do so, the applicant must file a notice of intent to proceed with the application under Subpart J and then file a conforming application or applications. The applicant may request a different rate than that initially requested so long as it has contractual authorization for the rate sought at the time the conforming application is filed.

By limiting applicants to "first sellers" the Commission intends to limit special relief under the proposed rules to producer costs. Resellers must seek relief under the Commission's adjustment procedures which implement section 502(c) of the NGPA and which are codified at 18 CFR § 1.41.

Section 271.1002(a) defines the production units for which a special relief application may be made and for which costs and reserves must be separately established in computing a special relief rate. They are:

A planned onshore well and related production facilities;
A planned offshore development well and related production facilities;
A planned offshore platform, wells drilled thereon and related production facilities;
Planned production enhancement work on a previously producing well; and
A well for which there is no planned investment.

Section 271.1003(a)(2)(ii), which limits the recovery of previously incurred (sunk) investment and operating expenses, indicates that a production unit would be characterized as involving or not involving planned investment based on its status at the time the application is accepted under Subpart J.[11]

Under the regulations as proposed, a first seller would make a separate special relief application for each planned investment project or each well for which there is no planned investment. The Commission believes that a separate rate should be established for each such project or well, rather than for an aggregate of projects or wells. This procedure would enable the Commission to focus more clearly and easily on the specific costs of producing the particular gas for which the special relief rate is sought and in estimating the available reserves of such gas. The Commission does not believe that this policy would place an undue burden on the applicant, because the cost and reserve information should be available and reportable on a project-by-project or well-by-well basis.

Standards for Special Relief Rate

Congress stated in sections 104, 106, and 109 of the NGPA that the Commission may increase the applicable maximum lawful prices so long as the higher price is "just and reasonable within the meaning of the Natural Gas Act."[12] The Commission believes that the method for calculating a special relief rate proposed in § 271.1003 adheres to this Congressional mandate.

Paragraph (a) of § 271.1003 establishes standards for determining the special relief rate for planned investment projects; paragraph (b) establishes standards where there is no planned investment. Both stipulate that only prudent expenditures shall be considered. Under the regulations, the special relief rate would consist of an amount computed in accordance with the standards provided in paragraphs (a) and (b), to which would be added the amount of taxes actually paid (exclusive of those adjustments allowed under Subpart K and section 110 of the NGPA and, in the case of planned investment projects, Federal income tax). The Commission has excluded adjustments allowed under Subpart K from consideration in the special relief rate because such adjustments are automatically allowed under § 271.1102.

The methodologies for computing the special relief rate with and without planned investment are different; this dichotomy reflects prior Commision practice. The rate for planned investment projects is to be computed using the discounted cash flow (DCF) method; the rate where there is no planned investment is not. However, the Commission is considering use of a DCF-type analysis in computing a special relief rate where there is no planned investment, as an alternative to employing the average-cost technique embodied in the regulations proposed in this rulemaking. Comments on the advantages and disadvantages of the approach contained in the proposal and on using the DCF method as an alternative are specifically requested.

Section 271.1003(a)(1) states that the special relief rate for gas sold from a planned investment project other than a small project shall allow the applicant to earn a 15 percent true yield on its expenditures related to the project. In Opinion No. 770–A, the FPC allowed a 15 percent overall rate of return which represented a 17.73 percent return on common equity.[13] The 15 percent rate was in line with returns for other extractive industries. It is the Commission's belief that this 15 percent rate of return continues to reflect the current financial requirements for special relief projects.

Section 271.1003(a)(1) also requires that the rate be determined using the DCF method. Historically, the

[10] The proposed regulations do not apply to gas under section 109(a)(4)—gas produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transportation system approved under the Alaskan Natural Gas Transportation Act of 1976.

[11] For applications filed under §§ 2.56(a)(g), 2.56(b)(h), 2.75, 2.76, or 2.77 and continued under this subpart, the production unit is to be characterized as of the date of that original filing.

[12] The enactment of the NGA in 1938 gave the Commission the authority to determine and fix "just and reasonable rates," § 5(a), 15 U.S.C. § 717d(a), for the "sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use. . . ." § 1(b), 15 U.S.C. § 717(b).

[13] Opinion No. 770, as amended, was affirmed in The Second National Natural Gas Rate Cases, American Public Gas Rate Cases, American Public Gas Association, et al. v. F.P.C., (D.C. Cir. 1977), 555 F.2d 852. The 15 percent rate of return, also used by the Commission in Opinion No. 749, as amended, was upheld in Tenneco Oil Co. v. FERC, 571 F.2d 834, (Cir. 19—), where the court concluded that the Commission's choice of rate was "reasonable." The 15 percent rate of return was previously used in Opinion No. 699–H and upheld by the court in Shell Oil Co. V. FPC, 520 F.2d 1061, (5th Cir., 1975) where the court found "that the Commission carefully evaluated average rates of return on capital invested in other industries and concluded that a zone of reasonableness spanned from 12 percent to 15 percent." The selection of the highest rate of return within the zone was based on the desire to provide the extra incentive which the Commission felt was needed to encourage increased exploration and development.

Commission has relied upon the DCF cost analysis to assure that the rate allowed for gas supplies adequately reflects the true cost of those supplies.[14] The DCF methodology is predictive and focuses on anticipated cash flows over the life of the well rather than on revenues and costs for any one year. The commission continues to believe that the DCF cost method is a reliable basis for determining a just and reasonable rate where there is planned investment and intends to place a descriptive of the DCF method to be used by Staff in the public file for this proceeding.

Section 271.1003(a)(2)(ii) deals with previously incurred (sunk) investment and operating expenses and requires that sunk expenditures be excluded from consideration in determining a special relief rate. For pending applications, an applicant may not recover expenditures made prior to the time the application was filed under the old procedures. In the case of new applications the applicant may not recover expenditures made prior to the acceptance of the application. It is the Commission's belief that recovery of sunk exploration and development expenditures is not necessary to permit continued production from wells already explored and developed and could have adverse consequences. Mindful of the directive of the court to provide a *"demonstrable connection* between the funding in the (special relief) program under scrutiny and the increased gas supply which it will allegedly produce," (emphasis added), *Public Service Commission of the State of New York* v. *FERC*, No. 76–1352, Slip Op. at 15 (D.C. Cir., Sept 28, 1978), the Commission will look at the project prospectively and will so limit acceptable expenditures. The Commission specifically solicits comments on the portion of the regulations relating to sunk expenditures.

Section 271.1003(a)(2)(iii) limits the time lapse between commencement of the planned project and the earliest date of deliveries attributable to the project to one year unless adequate justification is shown for a longer period. Based on past experience with the types of projects usually undertaken, the Commission believes that such projects should be completed within one year. By placing a one year restriction on special relief projects, the Commission is recognizing the time value of money, and is attempting to avoid unnecessary increases in expenses due to unnecessary time delays in completing a project.

Section 271.1003(a)(2)(iv) provides for the recovery of Federal income taxes (FIT). FIT is a component of the DCF cost analysis and as such is included in establishing the special relief rate. Recovery of FIT is based on the marginal effective tax rate attributable to income from the project. In most cases, this will be the statutory tax rate; [15] in some cases, however, this tax rate would be decreased by the impact of percentage depletion allowances and investment tax credits. The Commission has selected the marginal effective tax rate in calculating the tax component in the DCF cost analysis because it believes that an applicant, when evaluating whether to undertake a given project, will include in its analysis the effect of projected income on the applicant's tax cost. This tax cost effect is measured by applying the marginal effective tax rate to the expected taxable income from the project. The Commission is specifically soliciting comments on this portion of the regulations and also seeks comments on what tax treatment should be accorded under this method to individuals and partnerships.

Section 271.1003(a)(2)(v) determines the manner in which operating expenses will be determined for the life of the project. The rule requires an applicant to estimate such expenses over the life of the project and provides an alternative methodology for applicants unable to make such an estimate. Under that alternative, an applicant would estimate its operating expenses for the first year in which deliveries would be made under the special relief rate, subtract production, *ad valorem,* income taxes and any other Subpart K adjustments from that amount, and escalate the resulting amount by seven percent compounded yearly for each year subsequent to the first year. Historically, the Commission has adjusted operating expenses by five percent for a five-year period. However, it is the Commission's judgment that a seven percent rather than a five percent escalation for the life of the project is now reasonable because of recent increases in inflation.

Section 271.003(a)(2)(vi) establishes the appropriate formula for determining regulatory expense. The formula is based on prior Commission practice which, in the judgment of the Commission, should be continued.

Section 271.1003(a)(vii) permits a working capital allowance of 12.5 percent of operating expenses (excluding production, *ad valorem,* income taxes and any other Subpart K adjustments). This provision is likewise based on prior Commission practice which the Commission believes should be continued with respect to gas sales.

Paragraph (b) of § 271.1003 specifies that the special relief rate for a well for which there is no planned investment shall be the rate under which it is predicted that the applicant will recover those normal, recurring operating and maintenance expenses which reasonably can be assigned to gas production, other than those adjustments permitted under Subpart K.

The Commission is considering some alternative ways of calculating the special relief rate and invites comments on those alternatives. For wells without planned investment and where out-of-pocket costs cannot be estimated for the life of the project, the proposed regulations contemplate a single average price to be calculated by inflating out-of-pocket costs for the first year by a given rate of inflation and dividing total costs by the total expected future output of the well. As an alternative, the Commission is considering a procedure whereby the Commission would approve a schedule of monthly prices for each year of the estimated remaining production life of the well. The schedule would be determined by estimating for the first year of deliveries the normal, recurring our-of-pocket expenses, on a per unit of current output basis. The price for each successive year's production would then be calculated by applying the rate of expected depletion of the well to the base price. Applicants could determine the maximum lawful price for gas from the well for each month by applying to the price schedule the monthly inflation rate specified in Title I of the NGPA and published by the Commission. This methodology would insure a price each year that would cover current out-of-pocket costs plus inflation.

A similar price schedule, or "tilt," would be applied to gas from a planned investment project, the average price for which is to be calculated under the proposed rule using the DCF method. The Commission invites comments from all parties regarding the use of these alternative methodologies.

Application Procedure

Sections 271.1004 and 271.1010 establish when and in what manner an applicant must file for special relief.

[14] The DCF cost analysis methodology was applied and upheld, *inter alia,* in Opinion Nos. 699–H and 770–A.

[15] In Opinions 770 and 770–A, the Commission used the statutory tax rate of 48 percent in arriving at the national rate. (The statutory tax rate for corporations is now 46 percent.) In Columbia Gulf Transmission Co., *et al.,* Docket Nos. RP75–105, *et al.,* Opinion No. 47, the Commission approved the "stand-alone" basis for each pipeline in preference to the consolidated approach.

Sections 271.1005 through 271.1008 describe Commission procedures for reviewing the application and provide for intervention in the proceeding. Section 271.1009 provides for retroactive collection of the special relief rate.

Under the proposed rules applicants having planned investment projects (except those qualifying as small projects) would be required to make two applications. The first would be made prior to commencing the project. The information required to be filed is specified in § 271.1010 (a) and (b). The initial application would be reviewed by Staff (which by definition excludes the Director of the Commission's Office of Pipeline and Producer Regulation [Director]). Staff action (other than notification of deficiencies or requests for additional information) could be appealed to the Commission. Acceptance of the application would authorize the applicant to include all future expenditures for the project in its supplemental application which must be filed within 60 days of completing the project.

The Commission has provided special provisions for planned investment projects qualifying as small projects under § 271.1006(d)(1)(ii). Applicants for such projects are required to file only the initial application, approval of which by the Director (or the Commission in the case of an appeal) would authorize the applicant to begin charging the approved rate upon completion of the project. This abbreviated procedure for small projects is consistent with the Commission's policy of promoting administrative efficiency by not examining in as great detail those actions the impact of which is so minimal as to require a correspondingly lesser degree of Commission scrutiny. However, the Commission emphasizes that Staff may perform such audits on small projects as it deems appropriate under § 271.1006(f). The criteria for a small project are essentially the same as those used in § 2.76, adjusted for inflation. The project must result in additional revenues of less than $60,000; the proposed investment must exceed 25 percent of the estimated additional revenues to be generated under the special relief rate; and the total proposed rate must be no more than 60 cents per MMBtu, exclusive of State severance taxes as defined in § 271.1101(a).

The procedures for reviewing a supplemental application for a planned investment project and initial applications for small projects and wells for which there is no planned investment are the same because, in all three cases, the procedure results in a determination of a special relief rate. Under those procedures, set forth in § 271.1006(d), the Staff could reject the application for failure to conform to the regulations or issue a Staff report to the Director recommending a special relief rate and stating the basis for its recommendation. Paragraph (f) of § 271.1006 specifies what powers the Staff may exercise in gathering the information necessary to evaluating the application and recommending a special relief rate. The Staff is given the power to conduct field audits, to solicit information from the applicant and other sources and to conduct conferences. Use of such powers will be necessary, in many instances, to permit a determination of whether expenditures are prudent.

The applicant, any intervenors, and certain other parties may submit comments on the Staff report. These comments will be reviewed by the Director, together with the Staff report, prior to the Director's issuing a determination on the application. Under § 271.1007(b), the Director's determination will become final 30 days after notice of it is published in the **Federal Register** unless the Commission directs or a petition is received requesting Commission review of the Director's determination.

Under § 271.1008 the Commission will normally review the case based on the record compiled by the Staff and the Director. Although the NGPA does not require an evidentiary hearing for special relief applications, the Commission anticipates that in some cases it will require additional information in order to act on an application and that it may wish to provide for a hearing for such purpose. This hearing will not necessarily be the kind required for adjudications under sections 554, 556, and 557 of the Administrative Procedure Act.

Because the Commission considers special relief to have a great impact on consumers and pipelines as well as producers, it has provided for public notice and participation at each stage of the proceeding. Under § 271.1004(d), notice of any application must be published in the **Federal Register** and a copy of the application must be served on each purchaser. The Commission has also provided an opportunity for intervention under § 271.1005. Section 271.1006(b) (regarding Staff decisions) and § 271.1007(c) (regarding the Director's determination) require that notice of Staff and Director actions be served on all persons entitled to service of an application and on all intervenors. All such persons may attend any conference conducted by the Staff under § 271.1006(f), may submit comments on the Staff report issued under § 271.1006(d)(2)(iii) and may appeal Staff and Director actions to the Commission under § 271.1008.

The information to be filed in an initial application for a planned investment project other than a small project is specified in paragraphs (a) and (b) of § 271.1010; information required for the supplemental application is specified in paragraph (e) of that section. Information required for small projects is specified in paragraph (d) of that section, for wells for which there is no planned investment, in paragraph (c) of that section. In general, initial applications must include the proposed price; evidence of contractual authorization to collect such price; estimated reserves and annual production, geological data and a financial justification for the proposed price; and, in the case of a planned project, detailed plans for the project including targeted commencement and completion dates; and the allocation of estimated investment and expenses. Supplemental applications must contain similar information except that a detailed description of the completed rather than the proposed project is required.

Applications filed under §§ 2.56a(g), 2.56b(h), 2.75, 2.76, and 2.77 prior to the effective date of Subpart J will be processed in accordance with the requirements in Subpart J. Section 271.1004(d)(1) requires an applicant who wishes to proceed with such application under Subpart J to file a notice of such intent within 30 days of the issuance of the proposed rule in final form or its application shall be deemed withdrawn. This procedure will enable the Commission to assess which and how many applications it must process. Automatic withdrawal of an application would require an applicant to file a new application and would preclude recovery of costs incurred between the time the old application was originally filed and the time the new one was accepted. It would also affect adversely the applicant's rights to retroactive collection of the special relief rate under § 271.1009. Under subparagraph (3) of § 271.1004(d), the applicant must either conform its old application to the requirements of Subpart J where necessary or file a statement indicating that it believes the old application conforms to the requirements of Subpart J and that it wishes the application to be evaluated as originally submitted. Subparagraph (5) of § 271.1004(d)

specifies the filing requirements for planned investment projects for which application was made under the old procedures and which were completed prior to the issuance of this proposed rule in final form.

Interim and Retroactive Collections

Section 271.1002(d) provides that neither the filing nor the pendency of an application for special relief under Subpart J shall prohibit the applicant from collecting the otherwise applicable maximum lawful price under the NGPA for sales made from the planned investment project or from the well for which there is no planned investment.

Section 271.1009 provides for retroactive collection of the approved special relief rate. For all applications filed under § 2.75, collection of the approved special relief rate would be permitted retroactive to the date nine months following commencement of deliveries under the contract to which the rate applies. This provision parallels collection rights under § 2.75 as it was in effect on December 1, 1978. However, because an applicant who filed under §§ 2.56a(g), 2.56b(h), 2.76 or 2.77 had no right to retroactive collection or collection during the pendency of the proceeding, it will only be able to collect the approved rate for a well without planned investment retroactive to the date of filing the notice of intent and, in the case of a planned investment project, retroactive to the later of the date of the notice filing or commencement of deliveries. Where there is no planned investment, a new applicant would be permitted to collect the approved rate retroactive to the date the initial application was filed under Subpart J. New applicants with planned investment projects would be able to collect the approved special relief rate beginning on the date deliveries were initiated. The Commission believes that it is necessary to provide for retroactive collection so that a producer who is losing or may lose money on a well and who is entitled to special relief will not be encouraged to refrain from producing from the well until the special relief rate is approved and made effective.

Written Comments

Interested persons are invited to submit written comments on the proposed regulations to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Comments should reference Docket No. RM79–67 on the outside of the envelope and on all documents submitted to the Commission. The Commission requests that persons submitting comments identify specifically the section addressed, particularly for those issues on which the Commission has specifically solicited comments.

Fifteen (15) copies should be submitted. All comments and related information received by the Commission on or before September 14, 1979, will be considered prior to the promulgation of final regulations.

(Natural Gas Act, as amended, 15 U.S.C. § 717 *et seq.*; Natural Gas Policy Act of 1978, Pub. L. 95–621, 92 Stat. 3350; Department of Energy Organization Act, 42 U.S.C. § 7107 *et seq.*; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, it is proposed to amend Parts 2 and 271 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Part 2 is amended in the Table of Contents where appropriate and in the text of the regulations by deleting §§ 2.56a(g) 2.56b(h), 2.75, 2.76, and 2.77. Paragraphs (h) through (p) of § 2.56a are redesignated as paragraphs (g) through (o). Paragraphs (i) through (n) of § 2.56b are redesignated as paragraphs (h) through (m).

2. Part 271 is amended in the Table of Contents by deleting "Subpart J—[Reserved]" and substituting the following in lieu thereof:

Subpart J—Special Relief

Sec.

271.1001 Applicability.
271.1002 Eligibility.
271.1003 Special relief rate.
271.1004 Application.
271.1005 Intervention.
271.1006 Review by Staff.
271.1007 Determination by the Director of the Office of Pipeline and Producer Regulation.
271.1008 Appeals to the Commission.
271.1009 Retroactive collection.
271.1010 Filing requirements.

Authority: Natural Gas Act, as amended, 15 USC § 717 *et seq.*; Natural Gas Policy Act of 1978, P. L. 95–621, 92 Stat 3350; Department of Energy Organization Act, 42 U.S.C. § 7107 *et seq.*; E.O. 12009, 42 Fed. Reg. 46267.

3. Part 271 is further amended in the text of the regulations by deleting "Subpart J—(Reserved)" and substituting the following in lieu thereof:

Subpart J—Special Relief

§ 271.1001 Applicability.

This subpart sets forth the conditions under which special relief may be obtained for any natural gas which is subject to a maximum lawful price under section 104, 106, or 109 of the NGPA (whether or not such gas qualifies under any other section of the NGPA), except that this subpart does not apply to natural gas produced from the Prudhoe Bay unit of Alaska.

§ 271.1002 Eligibility

(a) *Eligibility.* A first seller may apply for a special relief rate under this subpart for natural gas produced from any of the following:

(1) A planned investment project as defined in paragraph (c) of this section; or

(2) A well for which there is no planned investment.

(b) *Contractual authorization.* In order to apply for a special relief rate under this subpart, a first seller must have contractual authorization to charge and collect the specific special relief rate (in cents/MMBtu) proposed in its application at the time a filing is made under § 271.1004 (b)(1) or (d)(3) with the Commission.

(c) *Definitions.* For purposes of this subpart:

(1) "Planned investment project" means:

(i) A planned onshore well and related production facilities;

(ii) A planned offshore development well and related production facilities;

(iii) A planned offshore platform, wells drilled thereon and related production facilities; or

(iv) Planned production enhancement work on a previously producing well.

(2) "Related production facilities" means the equipment and facilities of the first seller which connect the wellhead to the purchaser's facilities.

(3) "Production enhancement work" means work in the nature of reconditioning, workover, deeper drilling, replacing or adding major equipment or related production facilities, or any other additional work necessary to prevent the loss of gas production or reserves.

(4) "First seller," for purposes of this subpart, shall exclude a reseller as defined in § 270.202(e)(2) of this chapter.

(d) *Rates for sales during pendency of special relief application.* Neither the filing nor the pendency of an application for special relief under this subpart shall prohibit the applicant from collecting the applicable maximum lawful price under the NGPA for sales of gas from the subject planned investment project or well for which there is no planned investment.

§ 271.1003 Special relief rate.

(a) *For a planned investment project.*

(1) Except for a small project as defined in § 271.1006(d)(1)(ii), the special relief rate for gas sold from a planned investment project shall be the rate

under which it is predicted that the applicant will earn a 15 percent true yield on its expenditures incurred in the project. Such rate shall be determined using the discounted cash flow method and shall be effective over the life of the project. Taxes actually paid (other than State severance taxes as defined in § 271.1101(a) and Federal income taxes) may be added to the rate.

(2) The following standards shall apply in the determination of the special relief rate:

(i) Only those expenditures shall be considered which are prudently incurred and which are in line with comparable industry expenditures for such equipment, services and expenses for similar projects.

(ii) Investment and operating expenses shall not be considered if incurred:

(A) Prior to the date an application was filed under §§ 2.56a(g), 2.56b(h), 2.75, 2.76 or 2.77 of this chapter, provided that a notice has been filed under § 271.1004(d)(1);

(B) Prior to the date an application was accepted under § 271.1006(a)(3) in the case of applications to which subclause (A) of this clause does not apply.

(iii) The time between the commencement of investment and the earliest date of deliveries attributable to the project shall not exceed 1 year, absent reasonable justification for a longer period.

(iv) Recovery of Federal income tax shall be based on the marginal effective tax rate attributable to income from the project. The rate shall be the statutory rate applicable to additional taxable income of the investor after considering percentage depletion allowances and any applicable investment tax credits.

(v) Where operating expenses cannot be estimated over the estimated life of the project, operating expenses shall be determined for all years in the life of the project by estimating the operating expense for the first year in which deliveries are made under the special relief rate (exclusive of production, *ad valorem* and income taxes and any other adjustments allowed under Subpart K of this part) and escalating such expense at 7 percent compounded for each subsequent year;

(vi) Regulatory expense shall be determined by multiplying the net working interest production (in MMBtu's) by $.001;

(vii) Working capital allowance shall be determined by multiplying operating expenses (exclusive of production, *ad valorem* and income taxes and any other adjustments allowed under Subpart K of this part) by 0.125.

(b) *For a well for which there is no planned investment.*

(1) The special relief rate for gas sold from a well for which there is no planned investment shall be the rate under which it is predicted that the applicant will recover those out-of-pocket expenses which are reasonably assigned or allocated to gas production from the well. Taxes actually paid (other than State servance taxes as defined in § 271.1101(a)) may be added to the rate.

(2) The following shall apply in the determination of the special relief rate:

(i) The out-of-pocket expenses of the well shall be developed from the normal, recurring operating and maintenance expenses incurred and charged on the books and records of the producer for the production of hydrocarbons from the well and may include regulatory expense as provided in paragraph (a)(2)(vi) of this section.

(ii) Only those out-of-pocket expenses shall be considered which are to be prudently incurred and which are in line with comparable industry expenditures for such operation and maintenance for similar wells.

(iii) Where annual out-of-pocket expenses cannot be estimated over the estimated life of the project, out-of-pocket expenses shall be determined for all years in the life of the well by estimating the out-of-pocket expenses for the first year in which deliveries are made under the special relief rate (exclusive of production and *ad valorem* taxes and any other adjustments allowed under Subpart K of this part) and escalating such expense at 7 percent compounded for each subsequent year.

(iv) Out-of-pocket expenses shall not include capital investment, depreciation, depletion, amortization, return on investment (profit), amounts repaid on borrowed funds, Federal or State income taxes, any overhead which is not directly related and charged to the well and any other adjustments allowed under Subpart K of this part.

§ 271.1004 Application.

(a) *Scope of application.* A first seller shall make a separate application for each planned investment project or well for which there is no planned investment (as defined in § 271.1002) for which authority to charge and collect a special relief rate is sought.

(b) *Commencement of proceedings.*

(1) Except as provided in subparagraph (2) of this paragraph, a first seller shall commence a proceeding under this subpart by filing an initial application containing the applicable information required in § 271.1010(a) through (d).

(2) Applicants who have filed applications under §§ 2.56a(g), 2.56b(h), 2.75, 2.76 or 2.77 of this chapter before the effective date of this subpart shall be deemed to have commenced proceedings under this subpart, subject to the notice provisions of paragraph (d)(1) of this section.

(c) *Supplemental applications for certian planned investment projects.* In the case of the planned investment project which does not qualify as either a small project under § 271.1006(d)(1)(ii) or a project subject to the provisions of paragraph (d)(5) of this section, the first seller shall file a supplemental application containing the applicable information required in § 271.1010(e) within 60 days of completing the planned investment project.

(d) *Pending applications.* The following provisions shall apply to pending applications filed before the effective date of this subpart under §§ 2.56a(g), 2.56b(h), 2.75, 2.76 or 2.77 of this chapter:

(1) The application shall be deemed withdrawn for failure to go forward unless the applicant files within 30 days of the issuance of this subpart in final form a notice of intent to proceed with the application under the requirements of this subpart.

(2) Compliance with the notice requirement in subparagraph (1) of this paragraph shall:

(i) Authorize the applicant to collect retroactively, any special relief rate or rates approved under this subpart to the extent provided for in § 271.1009(c); and

(ii) Authorize the applicant to include expenditures in its application or applications made under this subpart to the extent provided for in § 271.1003(a)(2)(ii).

(3) Subsequent to or concurrent with the filing of the notice required in subparagraph (1) of this paragraph the applicant shall:

(i) Make a filing or filings conforming the application to the requirements in this subpart; or

(ii) File a statement that it believes the application conforms to the requirements of this subpart, that it does not intend to make a conforming filing and that it wishes to have the application reviewed under the requirements of this subpart, as filed.

(4) Except as provided in subparagrph (5) of this paragraph, an application shall not be considered as conforming to the requirements of this subpart unless:

(A) In the case of a planned investment project subject to the provisions of paragrph (c) of this section, which does not qualify as a small project under § 271.1006(d)(1)(ii),

the application contains the applicable information required in § 271.1010(e);

(B) In all other cases, the application contains the applicable information required in § 271.1010 (a) through (d).

(5) In the case of a planned investment project (other than a small project) completed prior to the date of issuance of this subpart in final form, the application shall be deemed to conform to the requirements of this subpart if it contains the information required in § 271.1010(e).

(e) *Form of submission.* Each application, supplemental application or conforming application filed under this subpart shall be submitted in an original and 3 copies and shall be subscribed under oath by at least 1 working interest owner seeking special relief in the application.

(f) *Notice.*

(1) Each initial application, supplemental application or conforming application filed under this subpart shall include a proposed notice which shall state the applicant's name, the date the application was filed under this subpart and the special relief rate requested. The proposed notice shall conform to the following form:

United States of America—Federal Energy Regulatory Commission

(Name of Applicant) _____

Notice of Application for Special Relief

On (date application was filed), (name of applicant) filed with the Federal Energy Regulatory Commission an application for special relief under Subpart J of Part 271 wherein (name of applicant) sought (special relief rate requested) for sales of natural gas to (name of purchaser).

The procedures applicable to the processing of this special relief application are found in 18 C.F.R. §§ 271.1001–271.1010.

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of 18 CFR § 271.1005. Except as otherwise provided in § 271.1005, all petitions to intervene shall be filed within 15 days after publication of this notice in the **Federal Register.**

(2) The applicant shall serve a copy of any initial application, supplemental application or conforming application on each purchaser to whom sales of the natural gas for which the special relief rate is sought are made.

(3) Staff may require the applicant to provide additional service and shall cause notice of any initial application, supplemental application or conforming application to be published in the **Federal Register.**

(4) The certificate of service required under § 1.7 of this chapter shall indicate the names and addresses of all persons served.

§ 271.1005 Intervention.

(a) *Petition.* A petition to intervene under § 1.8 of this chapter shall be filed within 15 days after service of any application. If a person has not been served with an application, a petition to intervene under § 1.8 shall be filed within 15 days after publication of notice of the application in the **Federal Register.**

(b) *Action by Staff.* Staff shall act on all petitions filed under this section.

§ 271.1006 Review by Staff.

(a) *Procedures for certain initial applications.* In acting on an initial application filed under § 271.1004(b), or a filing made under § 271.1004(d)(3), for a planned investment project other than a small project as defined in paragraph (d)(1)(ii) of this section, the Staff may:

(1) Notify the applicant within 60 days of such filing of filing deficiencies in the application or request that the applicant provide additional information under paragraph (f)(2) of this section;

(2) Reject the application:

(i) For filing deficiencies if the applicant has not submitted the information required under § 271.1004 within 30 days after issuance of a letter notifying the applicant of filing deficiencies in the application;

(ii) For failure to provide additional information as required in paragraph (f)(2) of this section within a reasonable time after it is requested;

(iii) Upon determining that the application fails on its face to meet all of the following criteria for special relief established in this subpart:

(A) The gas covered by the application must quality for special relief under §§ 271.1001 and 271.1002;

(B) There must be evidence of contractual authorization, as required under § 271.1002(b), to charge and collect the proposed special relief rate; and

(C) The proposed special relief rate must have been computed in accordance with the requirements of § 271.1003.

(3) Accept the application upon determining that:

(i) The applicant has complied fully with the filing requirements of § 271.1004 and has supplied all additional information requested under paragraph (f)(2) of this section; and

(ii) The application on its face meets all criteria for special relief specified in subparagraph (2)(iii) (A) through (C) of this paragraph.

(b) *Notice of Staff action.* Notice of all Staff actions specified in paragraphs (a) and (d) of this section, except issuances of deficiency letters or requests for additional information, shall be served upon all persons entitled to service under § 271.1004(f) and all persons granted the right to intervene under § 271.1005.

(c) *Effect of acceptance of certain initial applications.* Except as provided in § 271.1003(a)(2)(ii)(A) for pending applications, acceptance of an initial application for a planned investment project, other than a small project as defined in paragraph (d)(1)(ii) of this section, shall authorize the applicant to include in its supplemental application filed under § 271.1004(c) those investments and expenses permitted under § 271.1003 which were made or incurred for the project subsequent to such acceptance, but shall not imply approval of any expenditures included in the application.

(d) *Procedures for other initial applications and for supplemental applications.*

(1) The procedures of this paragraph shall apply to the following:

(i) An initial filing made under § 271.1004 (b) or (d)(3) for a well for which there is no planned investment;

(ii) An initial filing made under § 271.1004 (b) or (d)(3) for a "small project," which is defined as a planned investment project which meets the following criteria at the time such filing is made:

(A) Planned development or production enhancement will result in additional revenues to the applicant of less than $60,000;

(B) The proposed investment in the project exceeds 25 percent of the estimated additional revenues to be generated by the projects; and

(C) The total rate proposed for the sale of gas is no more than 60 cents per MMBTU (exclusive of State severance taxes as defined in § 271.1101(a)).

(iii) A supplemental application filed under § 271.1004 (c) or (d)(5) for a planned investment project.

(2) In acting on any application described in subparagraph (1) of this paragraph, the Staff may:

(i) Notify the applicant within 60 days of such filing of filing deficiencies in the application or request that the applicant provide additional information under paragraph (f)(2) of this section;

(ii) Reject the application as provided in § 271.1006(a)(2);

(iii) Issue a Staff report which shall:

(A) Recommend approval of a specified special relief rate, and state the basis for recommending such rate and any dispute with factual assertions made by the applicant;

(B) Be served on all persons specified in paragraph (b) of this section.

(e) *Effect of issuing Staff report.* Issuance of a Staff report shall entitle all persons entitled to service of such report

under paragraph (d) of this section to submit comments on the report and shall place the application before the Director of the Office of Pipeline and Producer Regulation (Director) for determination under § 271.1007.

(f) *Investigation and evaluation.*

(1) All filings made in connection with the application for special relief shall be considered in evaluating the application.

(2) The Staff may request additional information relevant to the application, and the applicant shall supply such information.

(3) The Staff may investigate the basis for any statement in the application, may conduct an audit, and may use in its evaluation any relevant fact obtained in such an investigation or audit.

(4) The Staff may solicit and accept submissions from intervenors or third persons relevant to the application.

(5) If the Staff obtaines information under subparagraph (3) or (4) of this paragraph and relies upon such information in making a decision under this section, the applicant shall be advised of such information and shall be given 5 days to respond to such information.

(6) The Staff may conduct a conference on the application in accordance with procedures it determines will most expeditiously further the purpose of such conference. A conference shall be convened only after actual notice of the time, place, and nature of the conference has been served upon all persons entitled to service under paragraph (b) of this section. All persons served may attend the conference, and the Staff may use in its evaluation any relevant information obtained through such conference.

(g) *Definition of "Staff".* For purpose of this subpart, "Staff" means an employee of the Commission who has been appointed by the Director, but shall not include the Director.

§ 271.1007 Determination by the Director of the Office of Pipeline and Producer Regulation.

(a) *Determination.* The Director (or his designee) shall review the Staff report issued under § 271.1006(d)(2)(iii) and all comments filed under § 271.1006(e) and shall determine the special relief rate or recommend other appropriate action to the Commission on the application.

(b) *Finality.* Any determination of a special relief rate made by the Director under this section shall become final 30 days after notice is published in the **Federal Register** unless, during such period:

(1) A petition appealing the determination is filed under § 271.1008; or

(2) The Commission directs that the determination order be submitted to it for review under § 271.1008.

(c) *Notice of Director's determination.* Notice of the determination or recommendation made by the Director under this section shall be served upon the Commission and upon all persons specified in § 271.1006(b) and shall be published in the **Federal Register.**

§ 271.1008 Appeals to the Commission.

(a) *Petition for review.* A petition appealing any of the following actions shall be filed within 30 days of such action:

(1) A determination of a special relief rate made by the Director under § 271.1007;

(2) Staff acceptance or rejection under § 271.1006 of an initial or supplemental application;

(3) Staff rejection under § 271.1005 of a petition to intervene.

(b) *Who may petition.* A perspon may file a petition under paragraph (a) of this section if the person:

(1) Is adversely affected by the action appealed; and

(2) Except in the case of appeals regarding denials of intervention under § 271.1005, is specified in § 271.1006(b).

(c) *Contents of petition.* The petition shall include a copy of the order contested and a complete statement of the petitioner's factual or legal objections to the action taken.

(d) *On motion of the Commission.* The Commission may, on its own motion, direct that the action by Staff or the Director be submitted to it for review.

(e) *Action by the Commission.* Review of actions by the Staff and the Director shall be based on the record and shall provide such opportunity for additional submissions, including hearings, as the Commission deems appropriate.

§ 271.1009 Retroactive collection.

(a) *No planned investment.* Except as provided in paragraph (c) of this section, upon final approval of a special relief rate for a well for which there is no planned investment, the applicant may charge and collect that rate retroactively for sales of gas from the well beginning on the date the application was filed under § 271.1004(b).

(b) *Planned investment project.* Except as provided in paragraph (c) of this section, upon final approval of a special relief rate for a planned investment project, including a small project as defined in § 271.1006(d)(1)((ii), the applicant may charge and collect that rate retroactively for sales of gas from the project beginning on the date deliveries from the project were commenced.

(c) *Pending applications.* Upon final approval of a special relief rate for a pending application filed under §§ 2.56a(g), 2.56b(h), 2.75, 2.76 or 2.77, for which a notice was filed under § 271.1004(d)(1), the applicant may charge and collect that rate retroactively for sales of gas from the project:

(1) Beginning on the date 9 months following commencement of deliveries under the contract to which such special relief rate applies, if such application was filed under § 2.75 of this chapter;

(2) Beginning on the date such notice was filed under § 271.1004(d)(1), if such application was filed under §§ 2.56a(g), 2.56b(h), 2.76, or 2.77 for a well for which there is no planned investment;

(3) Beginning on the later of the following, if such application was filed under §§ 2.56a(g), 2.56b(h), 2.76 or 2.77 for a planned investment project:

(i) The date notice was filed under § 271.1004(d)(1); or

(ii) The date on which deliveries from the project were commenced.

(d) *Verification by first purchaser.* In order to make retroactive collections contingent on commencement of deliveries, the applicant shall cause the first purchaser to submit to the Commission verification of such commencement.

§ 271.1010 Filing requirements.

(a) *For all planned investment projects.* Except as provided in paragraph (d) of this section for small projects, a filing made under § 271.1004 (b) or (d)(3) for a planned investment project shall include the following information:

(1) The name of the applicant;

(2) The applicant's principal place of business;

(3) The name and title, mailing address, and telephone number of the person responsible for the application;

(4) The working interest owners who are covered by the application and their respective percentages in the project and identification of any interest owners not covered by the application (including full details where the working interest varies for investment, operating expense, revenue, or any other reason);

(5) The royalty, overriding royalty, and non-operating interest owners associated with the project, according to category, including their respective percentages of the project and including a statement of any relationship to the project through ownership or employment or any other relationship;

(6) For each working interest owner covered by the application, the FERC certificate docket number and the FERC gas rate schedule number under which the gas has been or will be sold

(applicable only to gas qualifying under section 104 or 106(a) of the NGPA);

(7) The name and address of the first purchaser;

(8) The maximum lawful price (in cents/MMBtu) each working interest owner covered by the application would be entitled to collect under the NGPA without reference to whether a contractual right exists to charge such price;

(9) The proposed special relief rate (in cents/MMBtu) computed in accordance with § 271.1003;

(10) An executed copy of each document to which the purchaser is a party which provides for the payment of the proposed special relief rate, as required in § 271.1002(b);

(11) The location of all facilities associated with the proposed project (including the State, county or parish, and field and well designations);

(12) The estimated recoverable reserves of gas (in Mcf's) and liquids (in bbls.) for the project, including a schedule of the project's anticipated annual production for each type of reserve (in Mcf's or bbls.);

(13) An estimate of future revenues, on a 100 percent working interest basis, by year, for the estimated remaining life of the project, which are to be generated by sales of liquids produced from the project or from any other project sources;

(14) An estimate of future operating expenses, on a 100 percent working interest basis, by year, for the estimated remaining life of the project involved;

(15) If Federal income tax expenses have been claimed under § 271.1003(a)(2)(iv), the calculation establishing the amount of taxes claimed;

(16) A detailed description of the project on a well-by-well or platform-by-platform basis and an estimate of the attendant costs segregated by major category, a proposed timetable for work and expenditures, and a discounted cash flow analysis showing the derivation of the special relief rate sought, consistent with § 271.1003; and

(17) At the option of the applicant, the data relating to the determination of reserves and gas deliverability required under paragraph (e)(5) of this section for supplemental applications.

(b) *Additional information for certain planned investment projects.* A filing made under § 271.1004 (b) or (d)(3) for a planned investment project consisting of planned production enhancement work on a previously producing well shall include the following information in addition to that required in paragraph (a) of this section:

(1) An explanation of why the work is necessary;

(2) The price currently collected (in cents/MMBtu);

(3) The average unit Btu content (as determined in accordance with § 270.204) of the gas at the point of measurement for payment and the location of the point of delivery of the gas to the purchaser;

(4) Engineering and economic studies, equipment and service contracts and bids, and any other related documents necessary to substantiate the proposed expenditures and special relief rate;

(5) A schedule of operating expenses for the project on a 100 percent working interest basis detailed by cost item for the 2 most recent 12-month periods prior to the date of filing under § 271.1004(b) or (d)(1), including a description of the method or basis for assigning or allocating indirect costs or overheads to the lease and well; and

(6) A schedule of revenues and production volumes of gas (in Mcf's at 14.73 psia) and liquids (in bbls.) produced and sold at the lease level or credited back to the lease for the most recent 12-month period prior to the date of filing under § 271.1004(b) or (d)(1) on a 100 percent working interest basis, indicating whether the liquids are oil, lease condensate, or plant liquids, providing the current unit price and average Btu content of the liquids and reporting and describing any miscellaneous revenue received.

(c) *For wells for which there is no planned investment.* A filing made under § 271.1004(b) or (d)(3) for a well for which there is no planned investment shall include the information required under paragraphs (a)(1) through (14) and (b)(2) through (6) of this section as well as the following information pertaining to the determination of reserves and deliverability of the gas to which the application applies:

(1) A map delineating the exact acreage in the subject well area and showing the location of each completed, abandoned or proposed well and other facilities associated with the well;

(2) All electrical, acoustical, radioactive or other logs run on any well on the subject well acreage;

(3) All core analyses, conventional or sidewall, from any cores taken from any well on the subject well acreage;

(4) All tests, including open hole drill stem tests, wire line formation tests, initial production tests, single or multiple point backpressure tests, build-up or drawn-down tests and subsurface pressure surveys run on any well drilled on the subject well acreage;

(5) Tabulated production by year and month, separately by products, including oil, gas, condensate and water for all well completions on the subject well acreage;

(6) All well completion reports filed with the oil and gas regulatory authority having jurisdiction for wells drilled on the subject well acreage;

(7) All analyses made on separator or well stream gas or separator liquids produced from the subject well acreage;

(8) Tabulation by month and year of any plant liquids credited back to the leases in the subject well acreage from any processing plant;

(9) Tabulated reservoir parameters, by reservoir, for all reservoirs that are on the subject well acreage or that can be reasonably demonstrated to underlie the subject well acreage;

(10) Top of structure maps and isopach maps for all reservoirs that are actually productive or that have been proven productive by actual formation tests on the subject well acreage or that can be reasonably demonstrated to underlie the subject well acreage;

(11) The current average pipeline pressure of the purchaser at each point of sale for all gas sold from the subject well acreage; and

(12) In lieu of any of the information specified in subparagraphs (1) through (11) of this paragraph, citation to the application for certificate authority to sell the gas or the FERC Gas Rate Schedule in which such information is filed.

(d) *For small projects.* A filing made under § 271.1004(b) or (d)(3) for a project which qualifies as a small project under § 271.1006(d)(1)(ii) shall include the information required under paragraphs (a) (1) through (12), (b) (1) through (4) and (c) (1) through (12) of this section.

(e) *Supplemental applications.* A supplemental application for a planned investment project made under § 271.1004(c) or (d)(5) shall include:

(1) An estimate of the salvage value of the equipment involved in the project at the end of its useful life in the project on an item-by-item basis;

(2) A list, segregated by major category, of equipment and service contracts, invoices, and any other related documents necessary to substantiate the expenditures claimed in subparagraph (6) of this paragraph;

(3) The average unit Btu content (as determined in accordance with § 270.204) of the gas at the point of measurement for payment and the location of the point of delivery of the gas to the purchaser;

(4) The following data relating to the determination of reserves and deliverability of the gas to which the application applies:

(i) A map delineating the exact acreage in the project area and showing the location of each completed, abandoned or proposed well and other facilities associated with the project;

(ii) All electrical, acoustical, radioactive or other logs run on any well on the project acreage;

(iii) All core analyses, conventional or sidewall, from any cores taken from any well on the project acreage;

(iv) All tests, including open hole drill stem tests, wire line formation tests, initial production tests, single or multiple point backpressure tests, build-up or draw-down tests and subsurface pressure surveys run on any well drilled on the project acreage;

(v) Tabulated production, by year and month, separately by products, including oil, gas, condensate and water for all well completions on the project acreage;

(vi) All well completion reports filed with the oil and gas regulatory authority having jurisdiction for wells drilled on the project acreage;

(vii) All analyses made on separator or well stream gas or separator liquids produced from the project acreage;

(viii) Tabulation, by month and year, of any plant liquids credited back to the leases in the project acreage from any processing plant;

(ix) Tabulated reservoir parameters by reservoir for all reservoirs that are actually producing or that have proven productive by actual formation tests on the project acreage of that can be reasonably demonstrated to underlie the project acreage;

(x) Top of structure maps and isopach maps for all reservoirs that are actually productive or that have been proven productive by actual formation tests on the project acreage or that can be reasonably demonstrated to underlie the project acreage; and

(xi) The current average pipeline pressure of the purchaser at each point of sale for all gas sold from the project acreage;

(5) In lieu of the information specified in subparagraph (4) of this paragraph, citation to the application for certificate authority to sell the gas or the FERC Gas Rate Schedule in which such information is filed;

(6) A detailed description of the completed project along with the actual costs incurred, segregated by major category, and a discounted cash flow study reflecting actual costs computed in accordance with § 271.1003; and

(7) Any additional information which the applicant wishes to have considered.

[FR Doc. 79-26174 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Heath, Rockwall County, Tex., Under the National Flood Insurance Program

Correction

In FR Doc. 79-14066 appearing on page 26925 in the issue of Tuesday, May 8, 1979, the docket number "FI-5470" was omitted after the signature.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 350]

Regulations Governing Book-Entry Treasury Bills

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This is to announce that the Department of the Treasury is considering the adoption of an amendment of the regulations governing book-entry Treasury bills (31 CFR, Part 350).

The proposed change, which is set out at the end of this notice, would increase the period prior to maturity during which requests for transactions affecting book-entry accounts maintained by the Bureau of the Public Debt would not be accepted by the Treasury. The present regulations provide for a ten (10) day closed period. The proposal would extend this period to twenty (20) days. The change, to be effected under authority of 31 U.S.C. 754, 754b, and 5 U.S.C. 301, affects Sections 350.8, 350.14 and 350.16 of Department of the Treasury Circular, Public Debt Series No. 26-76, dated December 2, 1976, as amended.

DATES: Written comments must be received on or before October 19, 1979. Date of hearing, if any: November 5, 1979. Proposed effective date: November 20, 1979.

ADDRESS: Send comments to Mr. Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, Room 309, Washington Building, N.W., Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Mr. Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, 202-376-0244.

Dated: August 17, 1979.

Gerald Murphy,

Deputy Fiscal Assistant Secretary.

As proposed, 31 CFR, Part 350, would be amended as follows:

1. Section 350.8 is proposed to read as set forth below:

§ 350.8 Transfer.

Book-entry Treasury bills maintained under this subpart may not be transferred from one account maintained by the Treasury to another such account, except in cases of lawful succession, as provided in this subpart. They may be withdrawn from an account maintained by the Treasury hereunder and transferred through the Federal Reserve Bank communication system to an account maintained by or through a member bank under Subpart B, which transfer shall be made in the name or names appearing in the account recorded on the books of the Treasury. Such withdrawal may be effected by a certified request therefor by, or on behalf of, the depositor, provided the request therefor is received no earlier than twenty (20) business days after the issue date or the date the securities are transferred to the Treasury, whichever is later. The request must: (a) identify the book-entry account by the name of the depositor and title, if any, the address, and the taxpayer identifying number; (b) specify by amount, maturity date and CUSIP number the book-entry Treasury bills to be withdrawn and transferred; and (c) specify the name of the member bank to or through which the transfer is to be effected and, where appropriate, the name of the institution or entity which is to maintain the book-entry account. In the case of book-entry Treasury bills held in the names of two individuaals, a certified request by either will be accepted, but the transfer shall be made in the names of both. A transfer after original issue of book-entry Treasury bills from an account maintained by or through a member bank to one maintained by the Treasury may be made through the Federal Reserve Bank communication system, provided the account is to be held in a form authorized by this subpart, and provided the transfer is made no later than one month prior to the maturity date of the bills.

2. Section 350.14 is proposed to be amended by revising paragraph (a) as set forth below:

§ 350.14 Reinvestment or payment at maturity.

(a) *Request for reinvestment.* Upon the request of the depositor in whose name the account is maintained, book-

entry Treasury bills held therein will be reinvested at maturity, *i.e.*, their proceeds at maturity will be applied to the purchase of new Treasury bills at the average price (in three decimals) of accepted competitive bids for such Treasury bills then being offered. The request for a reinvestment may be made on the tender form at the time of purchase; subsequent requests for reinvestment will be accepted if received by the Bureau no later than ten business days prior to the maturity of the bills. The difference between the par value of the maturing bills and the issue price of the new bills will be remitted to the subscriber in the form of a Treasury check. Requests for the revocation of the reinvestment of bills will also be accepted if received no later than twenty (20) business days prior to the maturity date.

* * * * *

3. Section 350.16 is proposed to be amended by revising paragraph (a) as set forth below:

§ 350.16 Transactions in regular course—Notices not effective—Unacceptable notices.

(a) *Transactions in regular course—notices not effective.* Transfers of book-entry Treasury bills, payments thereof or reinvestment at maturity or any other transaction therein will be conducted in the regular course of business in accordance with this subpart, notwithstanding notice of the appointment of an attorney-in-fact, or a legal guardian or similar representative, or notice of successorship, the termination of an estate, the dissolution of an entity, or the death of an individual, unless the requisite request, proof, and the evidence necessary to establish entitlement under this subpart is received by the Bureau no later than twenty (20) business days prior to the maturity date of the bills.

* * * * *

[FR Doc. 79-26220 Filed 8-22-79; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 222]

Grazing Fee System, Southern Region; Correction

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: Federal Register/Vol. 44, No. 154/Wednesday, August 8, 1979/ Proposed Rules, pages 46480 and 46481 contained this proposed rule, however, the leading CFR citation of 36 CFR Part 231 was incorrect. It should read 36 CFR Part 222.

COMMENT PERIOD: Commments must be received within 60 days from the date of the August 8 publication (October 9, 1979).

ADDRESS: Send comments to: Regional Forester, USDA Forest Service, 1710 Peachtree Road, NW., Atlanta, Georgia 30309.

Comments received will be available for public inspection in Room 828, 1720 Peachtree Road, NW., Atlanta, Georgia, 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Sam D. Halverson, USDA Forest Service, 1720 Peachtree Road, NW., Atlanta, Georgia 30309, telephone, (404) 881-4569.

Robert N. Gashwiler,

Group Leader, Wildlife and Range.

[FR Doc. 79-26208 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-11-M

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Ch. X]

Improving Government Regulations; Supplement to Semi-Annual Agenda

AGENCY: Community Services Administration.

ACTION: Supplemental to CSA's Semi-Annual Publication of Significant Regulations Under Review or Development.

SUMMARY: The Community Services Administration is publishing a supplement to its semi-annual agenda which appeared in the **Federal Register** on May 14, 1979 (44 FR 28016).

This supplement to CSA'semi-annual agenda provides notification regarding the development of a rule governing the FY 80 Energy Crisis Assistance Program. Since CSA did not anticipate an appropriation for this program, the need for a rule could not be foreseen. It now appears that such an appropriation might be forthcoming; therefore CSA is proceeding to develop a rule to govern such a program should the funds be appropriated.

FOR FURTHER INFORMATION CONTACT: Jack Stoehr, 202-254-5300.

Authority: Sec. 602, 78 Stat. 5301; 42 U.S.C. 2942.

Frank N. Jones,

Acting Director.

BILLING CODE 6315-01-M

SUPPLEMENT TO SEMI-ANNUAL AGENDA

FOR

COMMUNITY SERVICES ADMINISTRATION

TYPE OF REGULATION	SUBJECT & DESCRIPTION	REASON FOR DEVELOPMENT	LEGAL BASIS	STATUS OF PROPOSED REGULATION: INITIAL ANNOUNCEMENT	STATUS OF PROPOSED REGULATION: PREVIOUSLY ANNOUNCED: WHEN	CURRENT STATUS	FOR FURTHER INFORMATION CONTACT
New	Energy Crisis Assistance Program	To provide details on how funds will be allocated for this program and the application procedures and post-grant requirements.	Title II, EOA	X		Under development.	Edward J. Freel, 202-254-6110 Wallace Lumpkin, 202-632-6503

[FR Doc. 79-26344 Filed 8-22-79; 8:45 am]

BILLING CODE 6315-01-C

Notices

Federal Register
Vol. 44, No. 165
Thursday, August 23, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Agreement Regarding the Federal Coal Leasing Program of the Department of the Interior

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to Section 800.8 of the regulations for the "Protection of Historic and Cultural Resources" (36 CFR Part 800) with the Department of the Interior, Bureau of Land Management, the Office of Surface Mining Reclamation and Enforcement, and the U.S. Geological Survey, and the National Conference of State Historic Preservation Officers concerning the Federal coal management program. The agreement provides a system that will insure that adequate consideration is given to historic and cultural properties in the Federal coal management program in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

COMMENTS DUE: September 24, 1979.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Suite 510, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Peter H. Smith, Chief, Division of Federal Program Review, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005, Telephone: 202–254–3495. Herrick E. Hanks, Cultural Resource Program Leader, Bureau of Land Management, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, Telephone: 202–343–9353.

SUPPLEMENTARY INFORMATION: This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from either the Bureau of Land Management or the Council. The proposed agreement concerns the manner in which the Bureau of Land Management, the Office of Surface Mining, and the U.S. Geological Survey would meet their responsibilities under Section 106 of the National Historic Preservation Act and the Council's implementing regulations (36 CFR Part 800). Section 106 requires that the head of any Federal agency having indirect or direct jurisdiction over a proposed Federal or federally assisted or licensed undertaking affecting properties included in or eligible for inclusion in the National Register of Historic Places shall afford the Council a reasonable opportunity for review and comment. The proposed agreement provides that the Bureau of Land Management will conduct or have conducted Class I (existing data) and Class II (sampling field) cultural resource inventories prior to preparation of land use plans for areas of potential Federal coal leasing. Special project Class II or Class III (intensive field) inventories will be conducted as deemed necessary on a case-by-case basis prior to completion of the regional coal leasing final environmental impact statement. Prior to approval of a mining plan, a Class III inventory will be conducted on all areas not previously inventoried at this level of intensity by a qualified professional archeologist determined in accordance with 36 CFR 61.5. As part of the mine plan submittal, a cultural resource management program will be developed that will provide for appropriate levels of avoidance and/or mitigation of adverse effects on specific properties identified as included or eligible for inclusion in the National Register of Historic Places. Programs will be reviewed by the State Historic Preservation Officer, and appropriate avoidance and/or mitigation measures included as part of the mine plan. Where agreement cannot be reached between the State Historic Preservation Officer and the Bureau of Land Management or where a National Historic Landmark or a National Historic Site will be affected, the matter will be referred to the Council. The Bureau of Land Management, U.S. Geological Survey, and the Office of Surface Mining will enforce similar requirements for approval of coal exploration permits.

The proposed agreement would be reviewed in 1982 and biennially thereafter to determine whether it should be continued or modified.

Robert R. Garvey, Jr.

[FR Doc. 79-26154 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Los Padres National Forest Grazing Advisory Board; Meeting

The Los Padres National Forest Grazing Advisory Board will meet at 9:30 a.m. on September 14, 1979, at the City Council Chambers, 110 East Cook Street, Santa Maria, California. The purpose of this meeting is to consider (1) priorities for use of range betterment funds, (2) allotment management plans, and (3) establishment of any necessary bylaws. This is the Board's first annual meeting.

The meeting will be open to the public. Persons who wish to attend should notify me at 42 Aero Camino, Goleta, California 93017 (805–968–1578). Written statements may be filed with the committee before or after the meeting.

The committee has not established rules for public participation. Public members will be given an opportunity to speak on each subject.

Dated: August 16, 1979.

Frederik G. deHoll,

Forest Supervisor.

[FR Doc. 79-26203 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-11-M

Thompson Creek Molybdenum Project, Custer County, Idaho; Intent to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement for the proposed Thompson Creek Molybdenum Project in Custer County, Idaho.

The Challis National Forest Management Plan has not been completed. The Thompson Creek area is being managed under the Yankee Fork Ranger District Multiple Use Plan amended on May 5, 1975, and the

current existing laws and regulations governing the Forest Service.

The project is located on lands administered by the Forest Service and contiguous properties administered by USDI, Bureau of Land Management. The proposal involves the development of a new surface mining operation for the extraction of molybdenum-bearing ore, and construction of a 20,000 ton per day mill and ancillary facilities in the Challis National Forest. If the proposal is approved, preproduction activities would begin in the fall of 1980, and the first production of molybdenum concentrates would occur in mid-1983. Construction of the mill and related facilities would take approximately two years and would occur in conjunction with a two to two-and-one-half year period of preproduction mining.

Early in the environmental analysis, Federal, State, and local agencies, and other individuals or organizations who may be interested or affected by the decision will be invited to participate in the scoping process, which includes: (a) identification of those issues to be addressed; (b) identification of those issues to be analyzed in depth; and (c) elimination from detailed study the issues which are not significant, or which have been covered by prior environmental review.

A preliminary scoping document which identified environmental concerns has been developed by the Challis National Forest with input from the Bureau of Land Management and relevant State of Idaho agencies. A workshop to involve local government officials, selected community leaders, and representatives of interested organizations to tentatively identify some public issues was held in Challis, Idaho, on August 13. A public involvement meeting will be held on Monday, August 27, at 8 p.m., in the Challis Legion Hall. The basic approach in public involvement has been to contact all groups, organizations, agencies, and individuals that might have an interest in the proposal and to solicit their involvement in the scoping process.

A range of alternatives will be considered, one of which will be to not develop the mine. Other alternatives will be aspects of size of development and alternate methods of mining the ore, and alternative location and size of dumps and tailing ponds.

It is anticipated that the process will take approximately 11 months. A draft Environmental Impact Statement is scheduled for completion in February 1980. A final Environmental Impact Statement is scheduled for August 1980. Vern Hamre, Regional Forester, is the responsible official, and Gordon V. Reid, Forest Planner, Challis National Forest, can be contacted for further information on the Environmental Impact Statement. Written comments and suggestions concerning the project are encouraged. Comments should be sent to Jack E. Bills, Forest Supervisor, Challis National Forest, P.O. Box 404, Challis, Idaho 83226.

Dated: August 17, 1979.

Vern Hamre,

Regional Forester.

[FR Doc. 79-26202 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-11-M

Federal Grain Inspection Service

Official Designation of the Washington Department of Agriculture, Olympia, Wash., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Washington Department of Agriculture, Olympia, Washington, as an official agency to perform official inspection and official weighing services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments by October 9, 1979. This agency has been performing official inspection and official weighing services within the proposed geographic area at least since November 1978. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate no later than triennially.

Note.—Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Washington Department of Agriculture (the "Agency"), 406 General Administration Building, Olympia, Washington 98504, an existing official agency, made application to be officially designated under the Act, as amended, to perform official inspection and official weighing services.

The FIGS has conducted the required investigation of the Agency which included onsite reviews of its inspection points (hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection and official weighing services. A document designating the Agency as an official agency was signed on November 20, 1978.

Said designation also included an interim assignment of geographic area within which the official Agency will provide official inspection and official weighing services. The geographic area assigned on an interim basis pending final determination in this matter is:

The entire State of Washington at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections or official weighing functions and where the agency or one or more of its licensed inspectors or licensed weighers is located.

In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials should be received by the Director not later than October 9, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note))

Done in Washington, D.C., on August 17, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-26146 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

Official Designation of the Minnesota Department of Agriculture, Minneapolis, Minn., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Minnesota Department of Agriculture, Minneapolis, Minnesota, as an official agency to perform official inspection and official weighing services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments by October 9, 1979.

This agency has been performing official inspection services at least since July 1978 and official weighing services at least since November 1978 within the proposed geographic area. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.)* (the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate no later than triennially.

Note.—Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Minnesota Department of Agriculture (the "Agency"), 316 Grain Exchange Building, Minneapolis, Minnesota 55415, an existing official agency, made application to be officially designated under the Act, as amended, to perform official inspection and official weighing services.

The FGIS has conducted the required investigation of the Agency which included onsite reviews of its inspection points (hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection and official weighing services. A document designating the Agency as an official agency for the performance of official inspection functions was signed on July 24, 1978, and on November 20, 1978, for the performance of official weighing functions.

Said designation also included an interim assignment of geographic area within which the official Agency will provide official inspection and official weighing services. The geographic area assigned on an interim basis pending final determination in this matter is:

The entire State of Minnesota at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections or official weighing functions and where the agency or one or more of its licensed inspectors or licensed weighers is located.

In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials should be received by the Director not later than October 9, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note))

Done in Washington, D.C. on August 17, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-26147 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

Official Designation of the Mississippi Department of Agriculture and Commerce, Pascagoula, Miss., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Mississippi Department of Agriculture and Commerce, Pascagoula, Mississippi, as an official agency to perform official inspection and official weighing services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments by October 9, 1979.

This agency has been performing official inspection services at least since July 1978 and official weighing services at least since November 1978 within the proposed geographic area. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

FOR FURTHER INFORMATION: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate no later than triennially.

Note.—Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Mississippi Department of Agriculture and Commerce (the "Agency"), P.O. Box 670, Pascagoula, Mississippi 39567, an existing official agency, made application to be officially designated under the Act, as amended, to perform official inspection and official weighing services.

The FGIS has conducted the required investigation of the Agency which included onsite reviews of its inspection points (hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection and official weighing services. A document designating the Agency as an official agency for the performance of official inspection functions was signed on July 1, 1978, and on November 20, 1978, for the performance of official weighing functions.

Said designation also included an interim assignment of geographic area within which the official Agency will provide official inspection and official weighing services. The geographic area assigned on an interim basis pending final determination in this matter is:

The entire State of Mississippi at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections or official weighing functions and where the agency or one or more of its licensed inspectors or licensed weighers is located.

In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views of comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials should be received by the Director not later than October 9, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note))

Done in Washington, D.C., on August 17, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79–26148 Filed 8–22–79; 8:45 am]

BILLING CODE 3410–02–M

Official Designation of the Virginia Department of Agriculture and Consumer Services, Richmond, Va., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Virginia Department of Agriculture and Consumer Services, Richmond, Virginia, as an official agency to perform official inspection and official weighing services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments by October 9, 1979.

This agency has been performing official inspection services at least since July 1978 and official weighing services at least since November 1978 within the proposed geographic area. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et. seq.*) (the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate no later than triennially.

Note.—Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Virginia Department of Agriculture and Consumer Services (the "Agency"), Division of Markets, 203 North Governor Street, Richmond, Virginia 23219, an existing official agency, made application to be officially designated under the Act, as amended, to perform

official inspection and official weighing services.

The FGIS has conducted the required investigation of the Agency which included onsite reviews of its inspection points (hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection and official weighing services. A document designating the Agency as an official agency for the performance of official inspection functions was signed on July 24, 1978, and on November 20, 1978, for the performance of official weighing functions.

Said designation also included an interim assignment of geographic area within which the official Agency will provide official inspection and official weighing services. The geographic area assigned on an interim basis pending final determination in this matter is:

The entire State of Virginia at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections or official weighing functions and where the agency or one or more of its licensed inspectors or licensed weighers is located.

In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials should be received by the Director not later than October 9, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)).

Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94-582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note))

Done in Washington, D.C., on August 17, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-26149 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

Official Designation of the Wisconsin Department of Agriculture, Trade & Consumer Protection, Madison Wis., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Wisconsin Department of Agriculture, Trade & Consumer Protection, Madison, Wisconsin, as an official agency to perform official inspection and official weighing services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments by October 9, 1979.

This agency has been performing official inspection services at least since July 1978 and official weighing services at least since November 1978 within the proposed geographic area. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate no later than triennially.

Note.—Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Wisconsin Department of Agriculture, Trade & Consumer Protection (the "Agency"), 801 West Badger Road, Madison, Wisconsin 53713, an existing official agency, made application to be officially designated under the Act, as amended, to perform official inspection and official weighing services.

The FGIS has conducted the required investigation of the Agency which included onsite reviews of its inspection points (hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection and official weighing services. A document designating the Agency as an official agency for the performance of official inspection functions was signed on July 1, 1978, and on November 20, 1978, for the performance of official weighing functions.

Said designation also included an interim assignment of geographic area within which the official Agency will provide official inspection and official weighing services. The geographic area assigned on an interim basis pending final determination in this matter is:

The entire State of Wisconsin at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections or official weighing functions and where the agency or one or more of its licensed inspectors or licensed weighers is located.

In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

Publication of this notice does not preclude future amendment of this

designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials should be received by the Director not later than October 9, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note))

Done in Washington, D.C., on August 17, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-26150 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

Official Designation of the Alabama Department of Agriculture and Industries, Mobile, Alabama, and Proposal of Geograhpic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Alabama Department of Agriculture and Industries, Mobile, Alabama, as an official agency to perform official inspection and official weighing services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments by October 9, 1979.

This agency has been performing official inspection and official weighing services within the proposed geograhpic area at least since November 1978. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate no later than trienially.

Note.—Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operative at one time for any geograhphic area as determined by the Administrator.

Alabama Department of Agriculture and Industries (the "Agency"), State Docks, Pier D, South, P.O. Box 244, Mobile, Alabama 36601, an existing official agency, made application to be officially designated under the Act, as amended, to perform official inspection and official weighing services.

The FGIS has conducted the required investigation of the Agency which included onsite reviews of its inspection points (hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection and official weighing services. A document designating the Agency as an official agency was signed on November 20, 1978.

Said designation also included an interim assignment of geographic area within which the official Agency will provide official inspection and official weighing services. The geograhphic area assigned on an interim basis pending final determination in this matter is:

The entire State of Alabama at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections or official weighing functions and where the agency or one or more of its licensed inspectors or licensed weighers is located.

In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials should be received by the Director not later than October 9, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note)).

Done in Washington, D.C. on: August 17, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-26145 Filed 8-22-79; 8:45 am]

BILLING CODE 3410-02-M

Official Designation of the California Department of Food and Agriculture, Sacramento, California, and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the California Department of Food and Agriculture, Sacramento, California, as an official agency to perform official inspection and official weighing services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments by October 9, 1979.

This agency has been performing official inspection and official weighing services within the proposed geographic

area at least since November 1978. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 45 days.

FOR FURTHER INFORMATION CONTACT: J.T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act, the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate no later than triennially.

Note.—Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

California Department of Food and Agriculture (the "Agency"), 1220 N. Street, Sacramento, California 95814, and existing official agency, made application to be officially designated under the Act, as amended, to perform official inspection and official weighing services.

The FGIS has conducted the required investigation of the Agency which included onsite reviews of its inspection points (Hereinafter "specified service points") and the Agency was deemed eligible for designation to perform official inspection and official weighing services. A document designating the Agency as an official agency was signed on November 20, 1978.

Said designation also included an interim assignment of geographic area within the official Agency will provide official inspection and official weighing services. The geographic area assigned on an interim basis pending final determination in this matter is:

The entire State of California at other than export port locations not including the area within the following boundaries which is serviced by another official agency:

Bounded: on the North by the southern Angeles National Forest boundary from State Route 2 east; the southern San Bernardino National Forest boundary east to State Route 79;

Bounded: on the East by State Route 79 south to State Route 74;

Bounded: on the South by State Route 74 west-southwest to Interstate 5; Interstate 5 northwest to State Route 91; State Route 91 west to State Route 11; and

Bounded: on the West by State Route 11 north to U.S. Route 66; U.S. Route 66 west to Interstate 210; Interstate 210 northwest to State Route 2; State Route 2 north to the southern Angeles National Forest boundary.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections or official weighing functions and where the agency or one or more of its licensed inspectors or licensed weighers is located.

In addition to the specified service points within the geographic area, the Agency will provice official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the proposed geographic area and a list of specified service points for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials should be received by the Director not later than October 9, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94–582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note)).

Done in Washington, D.C. on: August 17, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79–26144 Filed 8–22–79; 8:45 am]

BILLING CODE 3410–02–M

CIVIL AERONAUTICS BOARD

[Docket No. 33683]

Altair Airlines, Inc. Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter will be held on August 27, 1979, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W. Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C. August 16, 1979.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 79–26211 Filed 8–22–79; 8:45 am]

BILLIING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Statistical Association; Public Meeting

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. APP. (1976), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on September 13 and 14, 1979, at 9:00 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the September 13 meeting, which will adjourn at 6:00 p.m., is: (1) Topics of current interest at the Bureau of the Census, including staff changes and Bureau organization, and

major budget and program developments; (2) status of adjustment of 1980 census counts; (3) redesign of the Current Population Survey; (4) Group Value Measurement Technique; (5) Survey of Income and Program Participation; and (6) Committee meeting to develop recommendations.

The agenda for the September 14 meeting, which will adjourn at 12:30 p.m., is: (1) Legal and statistical defenses against overcounting; (2) 1980 Census Experimental Program; (3) Committee discussion of recommendations; (4) report on the American Statistical Association/National Science Foundation/Census Bureau Fellowship Program—Time Series Research; (5) discussion on (a) Bureau responses to prior Committee recommendations, (b) status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (6) recommendations, plans, and agenda items for the next meeting.

The meeting will be open to the public, and a brief period will be set aside on September 14 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. James L. O'Brien, Acting Chief, Statistical Research Division, Bureau of the Census, Room 3573, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–5350.

Dated August 20, 1979.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 79–26015 Filed 8–22–79; 8:45 am]

BILLING CODE 3510–07–M

Office of Minority Business Enterprise

Financial Assistance Application Announcement

The Office of Minority Business Enterprise (OMBE) announces that it is seeking applications for two separate awards. Both of the grants will provide, direct general business information, counseling, financial packaging assistance and assistance in identifying and exploiting business opportunities in new and/or expanded markets without charge to eligible clients.

Project Information: The specifics for the two projects are as follows: 1. A project which is designed to operate in the vicinity of Boise, Idaho for a 12-month period beginning October 1, 1979 with a minimum professional staff effort of 3 individuals and a maximum funding level of $75,000. The number for this project is 10–10–50230–00.

2. A project which is designed to operate in the vicinity of Portland, Oregon for a 12-month period beginning October 1, 1979 with a minimum professional staff effort of 4 individuals and a maximum funding level of $130,000. The number for this project is 10–10–50600–00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Eligibility Requirements: Any for-profit or not-for-profit institution is eligible to submit an application.

Application Materials: An application kit for each of the projects may be requested by phone by calling (202) 377–1714 or it may be obtained at the following address: U.S. Department of Commerce, Office of Minority Business Enterprise, Program Support Staff, Room 5713, Box FR–6, 14th & Constitution Avenue, N.W. Washington, D.C. 20230.

In requesting an application kit, specify the project number, the city or State the project will serve and if the applicant is either a State or Local Government, Federally recognized Indian Trubunal Unit, Educational Institution, Hospital, other type of nonprofit organization, or if the applicant is a for-profit firm. This information is necessary to enable OMBE to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked as to their understanding of minority business problems, approach and program methodology, responsiveness to questions, organizational structure, quality of personnel, experience, capacity, and cost. Specific criteria will be included in the application kit. If an application is approved, an initial award will be made for a period specified for that award. Continuation awards may be made on a noncompetitive basis when determined by the Awards Officer to be in the best interest of the Government.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of *September 14, 1979.* Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance).

Dated: August 16, 1979.

Allan A. Stephenson,

Acting Director.

[FR Doc. 79–26014 Filed 8–22–79; 8:45 am]

BILLING CODE 3510–21–M

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

Privacy Act of 1974; Amendment of System of Records

AGENCY: Defense Nuclear Agency.

ACTION: Notice of amendment to system of records.

SUMMARY: The Defense Nuclear Agency proposes to amend a system of records subject to the Privacy Act of 1974. The system is identified as HDNA 609–02, entitled: Personnel Radiation Exposure Records. The specific changes to the system being amended are set forth below followed by the system published in its entirety as amended.

DATES: This system shall be amended as proposed without further notice on September 24, 1979 unless comments are received on or before September 24, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Any public comments, including written data, views or arguments concerning the amendment should be addressed to the System Manager identified in the particular record system concerned.

FOR FURTHER INFORMATION: Rosemary L. Harris, General Counsel, Defense Nuclear Agency, Washington, D.C. 20305, Telephone: 202–325–7681.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Agency record system notices as prescribed by the Privacy Act of 1974, Public Law 93–579 (5 U.S.C. 552a) have been published in the Federal Register as follows:

FR Doc 77–28255 (42FR51073), September 28, 1977.

FR Doc 78–25819 (43FR42374), September 20, 1978.

FR Doc 79–15270 (44FR28704), May 16, 1979.

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) which requires the

submission of a new of altered system report.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

August 17, 1979.

HDNA 609-02

System name:

Personnel Radiation Exposure Records (43 FR 42472) September 20, 1978.

Changes:

System Location:

In line 1, delete: "Radiological".

Categories of records in the system:

Add at end: "At AFRRI, for current employees, information on date-on-board, assigned department, sex, date of departure, bio-assay, grade/rank, work phone and room number."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add at end: "At AFRRI, name grade/rank, department, room number and work phone will be used to print a current roster of personnel, for internal use in contacting personnel for official purposes."

Storage:

Add, in line 2, after "1422.": "Automated records are stored on magnetic tapes (for backup), disks in room 2436 and computer printouts in room 1422."

Retrievability:

Add at end: "At AFRRI, card and paper forms are alphabetical by last name of individual. Automated records are selectably retrievable on all fields within the record."

Safeguards:

Add at end of line 2: "Card, paper forms and printouts are further secured in a locked cabinet. These files, when placed on a computer system, are protected by a user identification code (UIC) and password. Access is restricted to only those persons appointed by the SYSMANAGER to whom he has given the "Uic-password" combination. The password is changed periodically by the SYSMANAGER."

System manager(s) and address:

In line 1, delete "Radiation"

HDNA 609-02

SYSTEM NAME:

609-02 Personnel Radiation Exposure Records

SYSTEM LOCATION:

Decentralized system. Primary location: Safety Department, Bldg. 42, Rooms 1420 and 1422, Armed Forces Radiobiology Research Institute (AFRRI), Denfense Nuclear Agency, Bethesda, Maryland, 20014, on the grounds of the National Naval Medical Center. Other locations are rooms 3113 and 2147 of the AFRRI; and room 1418, Bldg. 364, Field Command, Defense Nuclear Agency (FCDNA). Kirtland Air Force Base, Albuquerque, New Mexico 87115; and Office of the Commander, Enewetak Atoll, Marshall Islands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees, contractors, visitors or anyone else who is known to enter the AFRRI building. At FCDNA, all DNA employees who work in a position, the duties of which might result in exposure to radiation. At Enewetak, all individuals who work or visit the Atoll other than transient air crews and air passengers who do not leave the aircraft. Uniformed Services University of the Health Sciences, all employees, students, visitors, contractors or anyone else known to enter a radiation environment at Uniform Services University of the Health Sciences (USUHS).

CATEGORIES OF RECORDS IN THE SYSTEM:

For employees at AFRRI, FCDNA, and USUHS file contains personal information consisting of name, social security number, date of birth, current and previous radiation exposure, history and places of employment and when exposures occurred. For others, at AFRRI, FCDNA and USUHS file contains name, social security number, date of birth, current employer, citizenship, and current exposure history. For all, at AFRRI, FCDNA and USUHS information on pregnancy and pacemaker. Enewetak files will contain person information consisting of name, social security number, date of birth, current and previous radiation exposure history, areas visited or worked, dates of arrival and departure, and citizenship. At AFRRI, for current employees, information on date-on-board, assigned department, sex, date of departure, bio-assay, grade/rank, work phone and room number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 U.S.C. 2013, Military Construction Appropriation Act of 1977 (Pub. L. 94-367) and DNA OPLAN 600-77. "Cleanup of Enewetak Atoll".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To document the degree of exposure to radiation experienced by an individual; to support legal or medical claims for or against the government; to measure quality of the radiation protection program; to provide exposure history to subsequent employers; to provide history to requesting individuals. At AFRRI, name, grade/rank, department, room number and work phone will be used to print a current roster of personnel, for internal use in contacting personnel for official purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

At AFRRI: 5" by 7" cards filed at reception desk, room 3113, 8" by 10½" paper filed in rooms 1420 and 1422. Automated records are stored on magnetic tapes (for backup), and disks in room 2436 and computer printouts in room 1422. At FCDNA, 8" by 10½" papers are filed in a metal file cabinet in Bldg. 364. At Enewetak: 5" by 7" cards filed in a metal file cabinet in the Enewetak Commander's office.

RETRIEVABILITY:

Alphabetical by last name of individual. At AFRRI, card and paper forms are alphabetical by last name of individual. Automated records are selectable retrievable on all fields within the record.

SAFEGUARDS:

AFRRI—Kept in a controlled access building which is protected by an intrusion alarm system. Card, paper forms and printouts are futher secured in a locked cabinet. These files, when placed on a computer system, are protected by a user identification code (UIC) and password. Access is restricted to only those persons appointed by the SYSMANAGER to whom he has given the "UIC-Password" combination. The password is changed periodically by the SYSMANAGER.

FCDNA—Controlled access building which is protected by an intrusion alarm system.

Enewetak—Locked and secured in Enewetak Commander's office.

RETENTION AND DISPOSAL:

For employees—permanently. For visitors—retired after 2 years to record holding area for permanent retention. For foreign visitors, records are sent to State Department for retention. all Enewetak records will be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

AFRRI and USUHS—Chairman, Safety Department, Armed Forces Radiobiology Research Institute, Bethesda, MD 20014.

Field Command, DNA and Enewetak Atoll, MI—Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, Albuquerque, NM 87115.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

AFRRI, FCDNA, and USUHS information voluntarily submitted by individual. Enewetak information as required to be submitted by individual. Additional information added as data is collected.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-26256 Filed 8-22-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-79-39]

Inquiry Concerning the Deregulation of Heavy Crude Oil Pursuant to Executive Order No. 12153

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Inquiry and Public Hearing.

SUMMARY: On August 17, 1979, the President issued Executive Order No. 12153, which exempts first sales of heavy crude oil, as defined in the Executive Order, from the Mandatory Petroleum Price Regulations. Pursuant to the requirements of section 1-102 of the Order, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is conducting a public inquiry to determine whether the Secretary of Energy should recommend to the President the exemption any heavy crude oil in addition to that included within the definition set forth in the Order.

DATES: Written comments by September 12, 1979, 4:30 p.m. Requests to speak by August 30, 1979, 4:30 p.m. Hearing dates: September 6-7, 1979, 9:30 a.m.

ADDRESSES: All written comments to Department of Energy, Office of Public Hearings Management, Docket No. ERA-R-79-39, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Requests to speak to Department of Energy, Third Floor, 111 Pine Street, San Francisco, California 94111, ATTN: Robert Laffel. Hearing Location: City Council Chambers, City Hall, 333 West Ocean Boulevard, Long Beach, California 90802.

FOR FURTHER INFORMATION CONTACT:

Robert Gillette (Office of Public Hearings Management), 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 B 110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.

William Carson or Douglas Harnish (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2314, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7477.

Eugene Glass (Office of Petroleum Operations), Economic Regulatory Administration, Room 6128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7183.

Ben McRae or Jack Kendall (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6739.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Requested.
III. Written Comment and Public Hearing Procedures.

I. Background

On August 17, 1979, the President issued Executive Order No. 12153 (the Order), which exempts first sales of heavy crude oil made from price regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended). The term "heavy crude oil" is defined in section 1-101 of the Order as crude oil produced from a property from which the total production during the last month prior to July 1979 in which crude oil was produced and sold from that property had a weighted average gravity of 16.0° API or less.[1]

In section 1-102 of the Order the President directed the Secretary, or his delegate, to conduct a public inquiry as to what other types of crude oil, in addition to those included in the definition of that term in section 1-101 of the Order, should be exempted from price regulation in order to maintain or increase production of such crude oil. Section 1-102 further provides that the Secretary shall submit to the President his recommendations as to the exemption of any additional types of crude oil. The President also provided in section 1-103 of the Order that the Secretary may adopt any regulations as he deems necessary to implement the Order. Pursuant to these directives, we are issuing this Notice of Inquiry in order to obtain public comment.

II. Comments Requested

We are generally requesting comments as to whether any heavy crude oils in addition to those covered by the definition in the Order should be exempted from price regulation as a means of increasing domestic crude oil production. Comments are also requested generally as to any modifications to the crude oil entitlements program (10 CFR Section 211.67) or to any other provisions of the petroleum regulations which may be necessary or appropriate in view of the President's action to exempt heavy crude oil from price regulation. We are also requesting comments as to the following specific issues.

We request comments concerning any modifications to the term "heavy crude oil" as defined in section 1-101 of the Order which would be necessary to provide for the exemption of any crude oil which could be appropriately categorized as heavy crude oil for exemption purposes. In this regard, we request your views as to whether it would be appropriate to modify the definition of heavy crude oil by changing 16.0° API to a higher gravity number.

In most instances, the costs associated with producing low gravity crude oils are relatively higher than those associated with the production of other crude oils. Since the exemption of heavy crude oil from price regulation is intended to provide a producer with an economic incentive to maintain or increase production levels, we invite

[1] API gravity numbers are based on the ration of the weight of a given volume of oil at 60° Fahrenheit to the weight of the same volume of water at 60° Fahrenheit.

your comments as to whether it would be appropriate to establish a definition of heavy crude oil which would provide for the exemption of a specified percentage of the crude oil production from a property for which the weighted average gravity of crude oil produced was above 16.0° API. The percentage of crude oil production to be exempted would decrease as the weighted average gravity increased. We request that your comments on this issue include a discussion as to the appropriate relationship between the exempted percentage of production and the weighted average gravity of production.

In many instances, the relatively greater cost to produce heavy crude oil is attributable to the use of enhanced oil recovery (EOR) techniques. In view of this consideration, we solicit comments as to whether it might be more appropriate to determine the exemption status for crude oil with weighted average gravity levels in excess of 16.0° API on the basis of whether the production of such crude oil resulted from the use of an EOR technique, rather than on a gravity basis. If you believe this approach would be more appropriate, we request your views as to how heavy crude oil should be defined with reference to the employment of EOR techniques. In this regard, we are especially interested in your views as to how a producer would distinguish crude oil produced from an EOR project from other crude oil production from the property on which the project is located.

While the weighted average gravity of crude oil produced from a property in June 1979 may have been higher than 16.0° API, we recognize that gravity levels for that property may decline at some future time. Since the Order does not provide for exempt status in such instances, we are requesting comments as to whether the definition of heavy crude oil should contain a provision taking into account declining gravity levels so as to permit the qualification of exempt status at some later time. If such a provision were provided, over what period of time should the average gravity be measured in order to ensure that exempt status would be available only with respect to properties consistently producing heavy crude oil? What safeguards should be employed to assure that lighter crude oil production is not shut in in order to qualify the property for heavy oil status?

We also request comments concerning the appropriate categorization of crude oil production which might be eligible for exemption from price regulation pursuant both to the heavy crude oil exemption and to a DOE regulation, ruling or order, such as the Newly Discovered Crude Oil rule or the property definition.

We recognize that an increase in heavy oil production can have a significant impact on refinery operations and/or its marketability. In order to evaluate these effects, we request comments concerning the nature and magnitude of any refining or crude oil marketing effects arising from the exemption of heavy crude oil and whether changes should be made in the entitlements program or the refiner pricing regulations in order to provide incentives for increased utilization of heavy crude oil.

Finally, we are especially concerned that the environmental standards applicable to emissions from steam generators used in recovering heavy crude oil may impose significant increased costs on current and future production. Substitution of natural gas for indigenous heavy crude oil used as fuel in steam generators is one potential means for overcoming pollution emission problems. We request comments on the availability of natural gas for on-site steam generation, the source(s) from which the natural gas might be made available, the energy and economic efficiency of using natural gas as a substitute for heavy crude oil, and whether there are any legal or regulatory impediments, federal or otherwise, regarding natural gas availability and use which should be removed.

III. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this rulemaking by submitting data, views or arguments with respect to the issues set forth in this Notice. Comments should be identified on the outside envelope and on documents submitted with the docket number and the designation "Inquiry Concerning the Deregulation of Heavy Crude Oil." Ten copies should be submitted. All comments received will be available for public inspection in 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. Comments should be received by September 12, 1979, 4:30 p.m. in order to be considered.

B. Public Hearing

1. *Procedure for Requesting Participation.* The time and place for the hearing are indicated in the "DATES" and "ADDRESSES" section of this Notice. If necessary to present all testimony, the hearing will be continued at 9:30 a.m. on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation at the hearing. Such request should provide a phone number where you may be contacted through the day before the hearing.

We will notify each person selected to be heard at the hearing before 4:30 p.m., August 31, 1979. Persons scheduled to speak at the hearing must bring 100 copies of their statement to the hearing location by 9:00 a.m. on the day of 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.

A DOE official will be designated to preside at the hearing, which will not be judicial in nature. Questions may be asked only by those conducting the hearing. 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 by the presiding officer of any person making a statement at the hearing. Such questions must be submitted in writing. The presiding officer will determine whether time limitations permit it to be presented for a response.

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 DOE and made available for inspection at the 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. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., August 17, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

[FR Doc 79-26230 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

August 10, 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.

New Mexico Department of Energy and Minerals

Oil Conservation Division

1. Control numer (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. Estimate annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-13499
2. 30-025-00000
3. 108
4. Casing Pullers Inc
5. Yates A No. 4
6. North San Simon Yates
7. Lea, NM
8. 20.1 million cubic feet
9. July 26, 1979
10. Phillips Petroleum Company

1. 79-13500
2. 30-025-00000
3. 108
4. Casing Pullers Inc
5. Yates A No. 1
6. North San Simon Yates
7. Lea, NM
8. 20.1 million cubic feet
9. July 26, 1979
10. Phillips Petroleum Company

1. 79-13501
2. 30-025-00000
3. 108
4. Casing Pullers Inc
5. Yates A No. 3
6. North San Simon Yates
7. Lea, NM
8. 20.1 million cubic feet
9. July 26, 1979
10. Phillips Petroleum Company

1. 79-13502
2. 30-045-08042
3. 108
4. Helen Loraine Harvey
5. Gale #1
6. Aztec Fruitland
7. San Juan, NM
8. 4.9 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13503
2. 30-045-07784
3. 108
4. Helen Loraine Harvey
5. G F Bruington #1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 12.4 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13504
2. 30-045-00000
3. 108
4. Koch Industries Inc
5. Koch Wright No 1
6. Aztec/Pictured Cliffs
7. San Juan, NM
8. 14.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13505
2. 30-045-00000
3. 108
4. Lynco Oil Corporation
5. Schumacher #2
6. Aztec, PC
7. San Juan NM
8. 18.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13506
2. 30-045-00000
3. 108
4. Lively Exploration Company
5. Lively Com 14
6. San Juan
7. San Juan, NM
8. 19.6 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13507
2. 30-045-12173
3. 108
4. Helen Loraine Harvey
5. Black & Taylor #1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 6.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

U. S. Geological Survey, Albuquerque, N. Mex.

1. Control number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 79-13418/NM482-79
2. 30-025-25759-0000-0
3. 103
4. Adobe Oil & Gas Corporation
5. Linda Federal #3 NM-23777
6. Blinebry Oil & Gas
7. Lea, NM
8. 18.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13419/NM483-79
2. 30-025-25760-0000-0
3. 103
4. Adobe Oil & Gas Corporation
5. Linda Federal #4 NM-23777
6. Blinebry Oil
7. Lea, NM
8. 18.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13420/NM484-79
2. 30-025-26043-0000-0
3. 103
4. Adobe Oil & Gas Corporation
5. Linda Federal #5 NM-23777
6. Warren-Tubb
7. Lea, NM
8. 48.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13421/NM486-79
2. 30-039-06171-0000-0
3. 108
4. Western Oil and Minerals Limited
5. Jillson No. 1
6. Gavilan Pictured Cliffs
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13422/NM487-79
2. 30-045-06248-0000-0
3. 108
4. Western Oil and Minerals Limited
5. Marron No. 2
6. South Blanco Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13423/NM488-79
2. 30-045-06253-0000-0
3. 108
4. Western Oil and Minerals Limited
5. Hammond No. 5
6. South Blanco Pictured Cliffs
7. San Juan, NM
8. 16.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13424/NM490-79
2. 30-039-20034-0000-0
3. 108
4. Western Oil and Minerals Limited
5. Apache No. 1
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13425/NM-493-79
2. 30-039-82334-0000-0
3. 108
4. Western Oil and Minerals Limited
5. Hurt No. 1
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13426/NM1272-79

2. 30-045-07346-0000-0
3. 108
4. El Paso Natural Gas Company
5. White Kutz 1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 17.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13427/NM-1294-79
2. 30-039-20977-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit 260
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 20.4 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13428/NM-1333-79
2. 30-045-21450-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hubbell #15
6. Bloomfield-Chacra Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13429/NM-1489-79
2. 30-039-20989-0000-9
3. 108
4. El Paso Natural Gas Company
5. SJ 28-6 Unit 201
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 19.3 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13430/MN-1545-79
2. 30-045-07461-0000-0
3. 108
4. El Paso Natural Gas Company
5. Tapp 2
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13431/NM1552-79
2. 30-045-21284-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit 247
6. Angels Peak-Gallup Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13432/NM413-79
2. 30-045-07887-0000-0
3. 108
4. Tenneco Oil Company
5. Callow 11
6. Basin Dakota
7. San Juan, NM
8. 13.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13433/NM-418-79
2. 30-045-11612-0000-0
3. 108
4. Tenneco Oil Company
5. Warren 1
6. Basin Dakota
7. San Juan, NM
8. 9.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-13434/NM-419-79
2. 30-045-06713-0000-0
3. 108
4. Tenneco Oil Company
5. Riddle Unit II #1
6. Blanco Pictured Cliffs South
7. San Juan, NM
8. 10.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13435/NM-420-79
2. 30-045-11880-0000-0
3. 108
4. Tenneco Oil Company
5. Storey D 1
6. Basin Dakota
7. San Juan, NM
8. 15.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-13436/NM-421-79
2. 30-045-06622-0000-0
3. 108
4. Tenneco Oil Company
5. Hargrave #A-2
6. Fulcher Kutz Pictured Cliffs
7. San Juan, NM
8. 6.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13437/NM-422-79
2. 30-045-11613-0000-0
3. 108
4. Tenneco Oil Company
5. Storey C 3
6. Basin Dakota
7. San Juan, NM
8. 14.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-13438/NM-0096-79
2. 30-039-20798-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 52-2
6. Gobernador Pictured Cliffs
7. Rio Arriba County, NM
8. .0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline

1. 79-13439/NM-265-79
2. 30-045-22850-0000-0
3. 103
4. Southland Royalty Co
5. Harper #1A
6. Blanco Mesa Verde
7. San Juan, NM
8. 182.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13440/NM-0350-79
2. 30-039-21835-0000-0
3. 103
4. Southland Royalty Co
5. Carson #2
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 180.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-13441/NM-0377-79
2. 30-045-21800-0000-0
3. 103
4. Southland Royalty Co
5. Cain #21
6. Aztec Pictured Cliffs
7. San Juan, NM
8. .0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13442/NM-0378-79
2. 30-045-23111-0000-0
3. 103
4. Southland Royalty Co
5. Cain #3R
6. Blanco Mes Verde
7. San Juan, NM
8. .0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering CO

1. 79-13443/NM-298-79
2. 30-045-21747-0000-0
3. 108
4. Lively Exploration Company
5. Lively Well No 26
6. San Juan
7. San Juan, NM
8. 12.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13444/NM-0319-79
2. 30-045-00607-0000-0
3. 108
4. Mobil Oil Corporation
5. H K Riddle #1
6. Basin Dakota
7. San Juan, NM
8. 17.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13445/NM-0320-79
2. 30-039-06513-0000-0
3. 108
4. Mobil Oil Corporation
5. Cheney Federal #3
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. July 26, 1979
10. Nothwest Pipeline Corporation

1. 79-13446/NM-322-79
2. 30-039-06347-0000-0
3. 108
4. Mobil Oil Corporation
5. Jicarilla B #1
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13447/NM-323-79
2. 30-039-06346-0000-0
3. 108
4. Mobil Oil Corporation
5. Jicarilla B #4
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13448/NM-325-79
2. 30-039-06352-0000-0
3. 108
4. Mobil Oil Corporation
5. Jicarilla D #1
6. Gavilan Pictured Cliffs Blanco Mesa

7. Rio Arriba, NM
8. 3.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13449/NM-326-79
2. 30-039-06398-0000-0
3. 108
4. Mobil Oil Corporation
5. Jicarilla D #6
6. Gavilan Pictured Cliffs
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13450/NM-328-79
2. 30-039-06395-0000-0
3. 108
4. Mobil Oil Corporation
5. Jicarilla D #8
6. Gavilan Pictured Cliffs Blanco Mesa
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13451/NM-0347-79
2. 30-039-05593-0000-0
3. 108
4. Mobil Oil Corporation
5. Jillson Federal #1
6. Blanco Pictured Cliffs South
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13452/NM-0348-79
2. 30-039-05594-0000-0
3. 108
4. Mobil Oil Corporation
5. Jillson Federal #2
6. Blanco Pictured Cliffs South
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13453/NM-0349-79
2. 30-039-06400-0000-0
3. 108
4. Mobil Oil Corporation
5. Featherstone Federal #1
6. Gavilan Pictured Cliffs Blanco Mesa
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13454/NM-0355-79
2. 30-015-22511-0000-0
3. 103
4. Yates Petroleum Corporation
5. Harvey JI Federal #1
6.
7. Eddy, NM
8. .0 million cubic feet
9. July 26, 1979
10.

1. 79-13455/NM-0357-79
2. 30-015-22610-0000-0
3. 103
4. Yates Petroleum Corporation
5. Reddy-Trigg JV Federal #1
6.
7. Eddy, NM
8. .0 million cubic feet
9. July 26, 1979
10.

1. 79-13456/NM-0358-79
2. 30-015-22128-0000-0
3. 103
4. Yates Petroleum Corporation
5. Federal CX #2
6.
7. Eddy, NM
8. .0 million cubic feet
9. July 26, 1979
10.

1. 79-13457/NM-0359-79
2. 30-015-22423-0000-0
3. 103
4. Yates Petroleum Corporation
5. Federal AB #5
6. Undesignated
7. Eddy, NM
8. .0 million cubic feet
9. July 26, 1979
10.

1. 79-13458/NM-362-79
2. 30-045-23041-0000-0
3. 103
4. Hixon Development Company
5. Ka Gee Tah No 2
6. Farmington Sand
7. San Juan, NM
8. 18.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Company

1. 79-13459/NM-363-79
2. 30-045-22580-0000-0
3. 103
4. Hixon Development Company
5. Ka Gee Tah No 1
6. Waw-Fruitland-PC
7. San Juan, NM
8. 64.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Company

1. 79-13460/NM-364-79
2. 30-045-22708-0000-0
3. 103
4. Hixon Development Company
5. Ka Da Pah No 2
6. Waw-Fruitland-PC
7. San Juan, NM
8. 91.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13461/NM-365-79
2. 30-045-22709-0000-0
3. 103
4. Hixon Development Company
5. Gle Na Nup Pah No 1
6. Waw-Fruitland-PC
7. San Juan, NM
8. 36.5 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13462/NM-0366-79
2. 30-045-22172-0000-0
3. 103
4. Supron Energy Corporation
5. Payne 1-A
6. Blanco Mesaverde
7. San Juan, NM
8. .0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Company

1. 79-13463/NM-0369-79
2. 30-045-00000-0000-0
3. 108
4. Producing Royalties Inc
5. Carroll-Cornell #6
6. Fulcher Kutz Pictured Cliffs
7. San Juan County, NM
8. 13.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Company

1. 79-13464/NM-0379-79
2. 30-015-22118-0000-0
3. 103
4. Gulf Oil Corporation
5. Estill Ad Federal Well No 1
6. White City Penn
7. Eddy, NM
8. 1005.0 million cubic feet
9. July 26, 1979
10. Transwestern Pipe Line Company

1. 79-13465/NM-386-79
2. 30-015-22480-0000-0
3. 103
4. Gulf Oil Corporation
5. Pacheco Federal Well No 2
6. Angell Ranch Morrow
7. Eddy, NM
8. 78.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13466/NM-387-79
2. 30-015-22198-0000-0
3. 103
4. Gulf Oil Corporation
5. Potts Federal Well No 1
6. Burton Flat Morrow
7. Eddy, NM
8. 170.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13467/NM-388-79
2. 30-015-21932-0000-0
3. 103
4. Gulf Oil Corporation
5. Franklin et al Federal well no 2
6. Crooked Creek Morrow
7. Eddy, NM
8. 79.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13468/NM-408-79
2. 30-025-26066-0000-0
3. 103
4. Gulf Oil Corporation
5. C E Lamunyon well no 46
6. North Teague Devonian
7. Lea, NM
8. 62.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13469/NM-409-79
2. 30-025-26067-0000-0
3. 103
4. Gulf Oil Corporation
5. C E Lamunyon well no 47
6. North Teague Devonian
7. Lea, NM
8. 113.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13470/NM-410-79
2. 30-015-22406-0000-0
3. 103
4. Gulf Oil Corporation
5. Cardenas Federal well no 1
6. Burton Flat Morrow
7. Eddy, NM
8. 10.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13471/NM-411-79

2. 30-025-25919-0000-0
3. 103
4. Gulf Oil Corporation
5. C E Lamunyon well no 45
6. North Teague Devonian
7. Lea, NM
8. 23.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13472/NM-412-79
2. 30-015-22430-0000-0
3. 103
4. Gulf Oil Corporation
5. Shearn D Federal com well no 1
6. Undesignated Penn
7. Eddy, NM
8. 10.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13473/NM-0407-79
2. 30-015-22232-0000-0
3. 103
4. Depco Inc
5. Shell Federal #1
6. Cemetary (Morrow)
7. Eddy, NM
8. 68.0 million cubic feet
9. July 26, 1979
10. Natural Gas Pipeline Co of America

1. 79-13474/NM-397-79
2. 30-039-00000-0000-0
3. 108
4. Kimbell Oil Co
5. Salazar Federal No 2
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 6.3 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13475/NM-398-79
2. 30-039-00000-0000-0
3. 108
4. Kimbell Oil Co
5. Salazar Federal No 3
6. Basin Dakota
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13476/NM-399-79
2. 30-039-00000-0000-0
3. 108
4. Kimbell Oil Co
5. Warren Federal No 1
6. Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 5.1 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13477/NM-400-79
2. 30-039-05800-0000-0
3. 108
4. Kimbell Oil Co
5. Warren Federal No 3
6. Basin Dakota
7. Rio Arriba, NM
8. 8.3 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13478/NM-401-79
2. 30-039-05714-0000-0
3. 108
4. Kimbell Oil Co
5. Warren Federal No 2
6. Basin Dakota
7. Rio Arriba, NM
8. 9.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13479/NM-402-79
2. 30-039-00000-0000-0
3. 108
4. Kimbell Oil Co
5. Liberman Federal No 4
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 3.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13480/NM-439-79
2. 30-045-22521-0000-0
3. 103
4. Tenneco Oil Company
5. Florance #11A
6. Blanco Mesaverde
7. San Juan, NM
8. 234.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co, El Paso Natural Gas Co

1. 79-13481/NM-440-79
2. 30-045-22349-0000-0
3. 103
4. Tenneco Oil Company
5. Florance A27-A
6. Blanco Mesaverde
7. San Juan, NM
8. 91.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13482/NM-441-79
2. 30-045-22567-0000-0
3. 103
4. Tenneco Oil Company
5. Archuleta #1A
6. Blanco Mesaverde
7. San Juan, NM
8. 158.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co, El Paso Natural Gas Co

1. 79-13483/NM-442-79
2. 30-045-12052-0000-0
3. 108
4. Tenneco Oil Company
5. Hamner #6
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 14.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13484/NM-447-79
2. 30-045-07365-0000-0
3. 108
4. Tenneco Oil Company
5. Davidson #A-1
6. Fulcher Kutz Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13485/NM-451-79
2. 30-045-22876-0000-0
3. 103
4. Tenneco Oil Company
5. Horton #1
6. Basin Dakota
7. San Juan, NM
8. 200.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13486/NM-452-79
2. 30-045-22871-0000-0
3. 103
4. Tenneco Oil Co
5. Bolack #1
6. Basin Dakota
7. San Juan, NM
8. 200.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13487/NM-453-79
2. 30-045-22874-0000-0
3. 103
4. Tenneco Oil Company
5. Roelofs #1
6. Basin Dakota
7. San Juan, NM
8. 200.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13488/NM-454-79
2. 30-045-22274-0000-0
3. 103
4. Tenneco Oil Company
5. Florance #37-A
6. Blanco Mesaverde
7. San Juan, NM
8. 384.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13489/NM-455-79
2. 30-045-22347-0000-0
3. 103
4. Tenneco Oil Company
5. Florance #23A
6. Blanco Mesaverde
7. San Juan, NM
8. 53.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13490/NM-456-79
2. 30-039-08097-0000-0
3. 108
4. Tenneco Oil Company
5. Jicarilla A7
6. Basin Dakota
7. San Juan, NM
8. 16.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-13491/NM-457-79
2. 30-045-11822-0000-0
3. 108
4. Tenneco Oil Company
5. Florance 67
6. Basin Dakota
7. San Juan, NM
8. 13.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-134492/NM-458-79
2. 30-045-22250-0000-0
3. 103
4. Tenneco Oil Company
5. Jacques #1A
6. Blanco Mesaverde
7. San Juan, NM
8. 98.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13493/NM-459-79
2. 30-045-22278-0000-0
3. 103

4. Tenneco Oil Company
5. Florance #10A
6. Blanco Mesaverde
7. San Juan, NM
8. 74.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13494/NM-460-79
2. 30-045-22892-0000-0
3. 103
4. Tenneco Oil Company
5. Florance #3B
6. Blanco Mesaverde
7. San Juan, NM
8. 48.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13495/NM-461-79
2. 30-045-22346-0000-0
3. 103
4. Tenneco Oil Company
5. Florance #24A
6. Blanco Mesaverde
7. San Juan, NM
8. 86.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13496/NM-462-79
2. 30-045-11797-0000-0
3. 108
4. Tenneco Oil Company
5. Moore C 1
6. Basin Dakota
7. San Juan, NM
8. 12.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-13497/NM-463-79
2. 30-045-11918-0000-0
3. 108
4. Tenneco Oil Company
5. Graham Com 1
6. Basin Dakota
7. San Juan, NM
8. 9.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Co

1. 79-13498/NM-464-79
2. 30-045-11601-0000-0
3. 108
4. Tenneco Oil Company
5. Moore B 1
6. Basin Dakota
7. San Juan, NM
8. 14.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corp

1. 79-13508/NM-247-79B
2. 30-045-22696-0000-0
3. 103
4. Southland Royalty Co
5. NYE #3A
6. Blanco Mesaverde
7. San Juan, NM
8. 50.0 million cubic feet
9. July 26, 1979
10. Southern Union Gathering Co

1. 79-13509/NM-546-79A
2. 30-039-21832-0000-1
3. 103
4. Southland Royalty Co
5. Jicarilla 101 #7
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 175.0 million cubic feet
9. July 26, 1979
10. Gas Company of New Mexico

1. 79-13510/NM-546-79B
2. 30-039-21832-0000-2
3. 103
4. Southland Royalty Co
5. Jicarilla 101 #7
6. Basin Dakota
7. Rio Arriba, NM
8. 75.0 million cubic feet
9. July 26, 1979
10. Gas Company of New Mexico

1. 79-13511/NM-550-79A
2. 30-039-21823-0000-1
3. 103
4. Southland Royalty Co
5. Arizona Jicarilla A #5
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 182.0 million cubic feet
9. July 26, 1979
10. Gas Company of New Mexico

1. 79-13512/NM-550-79B
2. 30-039-21823-0000-2
3. 103
4. Southland Royalty Company
5. Arizona Jicarilla A #5
6. Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 75.0 million cubic feet
9. July 26, 1979
10. Gas Company of New Mexico

1. 79-13513/NM-1002-79
2. 30-045-00000-0000-0
3. 103
4. Northwest Pipeline Corporation
5. Cox Canyon Unit #25
6. Blanco PC
7. San Juan, NM
8. 270.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-13514/NM-1031-79
2. 30-039-21464-0000-0
3. 103
4. Northwest Pipeline Corporation
5. Jicarilla 92 #12
6. Tapacito PC
7. Rio Arriba, NM
8. 51.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13515/NM-1035-79
2. 30-039-21571-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S/J 29-6 #36A
6. Blanco MV
7. Rio Arriba, NM
8. 67.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-13516/NM-1039-79
2. 30-045-22535-0000-0
3. 103
4. Northwest Pipeline Corporation
5. Cox Canyon Unit #27
6. Blanco PC
7. San Juan, NM
8. 137.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-13517/NM-1040-79
2. 30-039-21437-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #78
6. Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 57.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13518/NM-1041-79
2. 30-039-21561-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S/J 29-6 Unit #18A
6. Blanco MV
7. Rio Arriba, NM
8. 266.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13519/NM-1042-79
2. 30-039-21564-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 Unit #14A
6. Blanco MV
7. Rio Arriba, NM
8. 292.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-13520/NM-1043-79
2. 30-045-22539-0000-0
3. 103
4. Northwest Pipeline Corporation
5. Cox Canyon Unit #22
6. Blanco PC
7. San Juan, NM
8. 118.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-13521/NM-1045-79
2. 30-039-00000-0000-0
3. 103
4. Northwest Pipeline Corporation
5. Rosa Unit #62
6. Basin Dakota
7. Rio Arriba, NM
8. 115.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation

1. 79-13522/NM-1047-79
2. 30-045-23141-0000-0
3. 103
4. Northwest Pipeline Corporation
5. SJ 32-8 Unit #39
6. Blanco Mesa Verde
7. San Juan, NM
8. 107.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-13523/NM-1056-79
2. 30-039-21563-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 Unit #12A
6. Blanco MV
7. Rio Arriba, NM
8. 299.0 million cubic feet
9. July 26, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-13524/NM-1423-79

2. 30-045-20675-0000-0
3. 108
4. El Paso Natural Gas Company
5. Nye #4
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 20.8 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13525/NM-1424-79
2. 30-039-60047-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Large Unit NP #63
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13526/NM-1425-79
2. 30-039-05713-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.1 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13527/NM-1486-79
2. 30-045-05606-0000-0
3. 108
4. El Paso Natural Gas Company
5. McManus 3
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 9.1 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13528/NM-1487-79
2. 30-039-06469-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13529/NM-1488-79
2. 30-039-06463-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #10
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba County, NM
8. 6.2 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13530/NM-1490-79
2. 30-039-20680-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rincon Unit 148
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13531/NM-1491-79
2. 30-039-20637-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #74
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13532/NM-1492-79
2. 30-039-20646-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit 160
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.1 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13533/NM-1493-79
2. 30-045-09120-0000-0
3. 108
4. El Paso Natural Gas Company
5. Ludwick 3
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company

1. 79-13534/NM-1494-79
2. 30-039-20672-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #158
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.4 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13535/NM-1495-79
2. 30-045-05356-0000-0
3. 108
4. El Paso Natural Gas Company
5. Payne #3 X
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13536/NM-1496-79
2. 30-045-05418-0000-0
3. 108
4. El Paso Natural Gas Company
5. Payne #6
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 2.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13537/NM-1497-79
2. 30-039-05663-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.7 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13538/NM-1498-79
2. 30-039-05619-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #6
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13539/NM-1499-79
2. 30-039-06380-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F #4
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.4 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13540/NM-1500-79
2. 30-039-06425-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-13541/NM-1501-79
2. 30-039-06955-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit #74
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. July 26, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before September 7, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26184 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nox. RP78–49, et al.]

Alabama Tennessee Natural Gas Company, et al.; Notice of Filing of Pipeline Refund Reports and Refund Plans

August 16, 1979

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 4, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
6/24/79	Alabama-Tennessee	RP78–49	Report
6/30/79	Southern Natural	RP77–31	Report
7/2/79	Southern Natural	RP77–31	Report
8/2/79	Colorado Interstate	RP75–86, *et al*	Report

[FR Doc. 79–26158 Filed 8–22–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–583]

Boston Edison Co.; Notice of Filing

August 16, 1979.

Take notice that Boston Edison Company on August 6, 1979, tendered for filing an executed service agreement for the Town of Reading under the Company's FERC Electric Tariff, Original Volume No. III.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 6, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–26159 Filed 8–22–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RP72–122(PGA79–2)]

Colorado Interstate Gas Co.; Notice of Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

August 17, 1979.

Take notice that Colorado Interstate Gas Company (CIG) on August 15, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1979. The increased jurisdictional cost of purchased gas proposed to be recovered by the filing amounts to approximately $158.3 million. Such amount reflects the increased jurisdictional cost of gas in this application over the amount contained in CIG's general rate filing in Docket No. RP79–59, which is likewise to be effective October 1, 1979.

Copies of CIG's filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–26175 Filed 8–22–79; 8:45 am]

BILLING CODE 6450–01–M

[Project No. 2385]

Finch, Pruyn & Co., Inc.; Notice of Application for Amendment of License

August 14, 1979.

Take notice that on July 10, 1979 Finch, Pruyn & Company (Applicant) filed an application for amendment of its license for its Finch, Pruyn Hydro-Electric Project, FERC No. 2385, located on the Hudson River in the City of Glens Falls, New York. Correspondence with the Applicant should be directed to Roger S. Hague, Secretary, Finch, Pruyne & Company, 1 Glen Street, Glens Falls, New York 12801.

Under the proposed amendment, the Applicant would replace an obsolete 2600 hp water wheel with an identically rated new wheel. A 2250 kV generator would be fitted to the water wheel and would incorporate the necessary electrical control equipment to connect its output to the existing generator bus. In addition, the existing manually operated wooden stop gates at the flume entrance would be replaced by electrically operated steel gates.

The Applicant states that no modifications to the flume, headwall, or tailrace would be required. The electric energy generated by the new unit would be used by the Applicant in its paper and pulp manufacturing plant.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before September 24, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application

is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-26176 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2177]

Georgia Power Co.; Notice of Application for Amendment of License and Withdrawal of Exhibit R

August 7, 1979.

Take notice that an application for amendment of license and a request to withdraw a revised Exhibit R were filed on March 28, 1979, under the Federal Power Act (16 U.S.C. §§ 791a–825r), by Georgia Power Company (Applicant) for the Middle Chattahoochee River Project No. 2177. The project is located on the Chattahoochee River in Harris and Muscogee Counties, Georgia and in Chambers, Lee, and Russell Counties, Alabama. Copies of correspondence regarding the applications should be sent to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302.

Applicant seeks an amendment to the license for Project No. 2177 which would allow Georgia Power Company to grant, without prior Commission approval, permits for the construction of bulkheads and retaining walls to prevent erosion of waterfront property, and for the construction of piers, boat docks, boat ramps, and similar structures within the project boundary.

Applicant also seeks permission to withdraw its application for approval of a revised Exhibit R. The revised Exhibit R is Applicant's proposed plan for public utilization of project waters and adjacent lands for recreational purposes. As the basis for its request to withdraw the exhibit, Applicant states that it intends to redevelop the Goat Rock Dam, one of the three developments included in Project No. 2177, and that redevelopment of Goat Rock Dam may affect the revised Exhibit R.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR § 1.10 or § 1.8 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before September 17, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 79-26177 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-10]

Great Lakes Gas Transmission Co.; Notice of Informal Settlement Conference

August 16, 1979.

Take notice that on August 29 and 30, 1979, at 10:00 A.M. an informal conference of all interested persons will be convened for the purpose of continued settlement discussions in this proceeding. The conference will be held at a meeting room of the Federal Energy Regulatory Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in this proceeding and to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26160 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2631]

Hammermill Paper Co.; Notice of Application for Major License

August 14, 1979.

Take notice that on December 7, 1966, Hammermill Paper Company (Applicant) filed an application for major license (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)) for the constructed Woronco Project, FERC No. 2631, located on the Westfield River in Hampden County, Massachusetts. The application was amended on June 11, 1979.

Correspondence with the Applicant should be sent to: R. J. Kilgore, Vice President and Secretary, Hammermill Paper Company, East Lake Road, Erie, Pennsylvania 16512.

The Woronco Project consists of: (1) North Dam, a composite structure about 985 feet long, comprised of an earthfill dike 665 feet long and a concrete gravity spillway section about 320 feet long (maximum height about 30 feet) surmounted by 2½-foot-high flashboards; (2) South Dam, a concrete gravity structure about 350 feet long (maximum height 53 feet) with overflow spillway surmounted by 2½-foot-high flashboards; (3) a reservoir having a surface area of approximately 46 acres at normal pool elevation 231.5 (m.s.l.); (4) one steel sluice gate 6 by 6 feet at each dam; (5) a headgate house containing a trash rack with power rake and a timber gate; (6) a steel penstock 11 feet in diameter and 550 feet long; (7) a powerhouse containing three units with total capacity of 2,690 kW; (8) a switching station; and (9) all other facilities appurtenant to operation of the project.

Applicant uses the energy output of the project for its industrial plants.

Anyone desiring to be heard or to make any protests about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR § 1.10 or § 1.8 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 15, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26161 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-586]

Kansas Power and Light Co.; Notice of Proposed Changes in Rates

August 14, 1979

The filing company submits the following:

Take notice that on August 9, 1979, The Kansas Power and Light Company (Kansas) tendered for filing an amendment dated July 6, 1979, to that Certain Contract dated September 21, 1973, with Kaw Valley Electric Cooperative Company, Inc. for wholesale service to that Cooperative. Kansas states that this is a supplement to a contract dated September 21, 1973, and designated KPL Rate Schedule FPC No. 156. This amendment will provide for a change in maximum capacity for six delivery points. The proposed effective date is July 1, 1979 and Kansas requests that the Commission waive the Notice requirements as allowed in Section 35.11 of its regulations. According to Kansas, the net billing for the twelve preceding months the proposed change in agreements was $1,546,152.47. In addition, Kansas states that copies of the agreement have been mailed to Kaw Valley Electric Cooperative Company, Inc. and the State Corporation Commission of Kansas.

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, Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 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. 79-26162 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-587]

The Kansas Power and Light Co.; Notice of Proposed Changes in Rates

August 14, 1979.

The filing company submits the following:

Take notice that on August 9, 1979, The Kansas Power and Light Company (Kansas) tendered for filing an amendment dated May 30, 1979, to that Certain Contract dated September 21, 1973, with Lyon County Electric Cooperative Association, Inc. for wholesale service to that Cooperative. Kansas states that this is a supplement to a contract dated September 21, 1973, and designated KPL Rate Schedule FPC No. 158. This amendment will provide for an increase in the maximum capacity available to the Cooperative at two delivery points. The proposed effective date is July 1, 1979, and Kansas requests that the Commission waive the notice requirements as allowed in Section 35.11 of its regulations. According to Kansas, the net billing for the twelve preceding months the proposed change in agreements was $633,337.59. In addition, Kansas states that copies of the agreement have been mailed to Lyon County Electric Cooperative Association, Inc., and the State Corporation Commission of Kansas.

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, 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 September 5, 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. 79-26163 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-591]

Massachusetts Electric Co.; Notice of Filing

August 16, 1979

The filing Company submits the following:

Take notice that Massachusetts Electric Company ("MASSELEC") on August 13, 1979 tendered for filing an Agreement with the Narragansett Electric Company ("NARRAGANSETT") revising the monthly facilities charge contained in its Agreement of February 20, 1963 under which MASSELEC makes available to NARRAGANSETT use of capacity in its facilities at Mink Street in Seekonk, Massachusetts. The proposed changes would increase the charges to NARRAGANSETT in the amount of $25,884 annually based on the 12 month period ending October 31, 1979.

The instant revision is primarily due to material changes in investment and proportion of use in these facilities since initiation of the February 20, 1963 Agreement.

Copies of the filing were served upon NARRAGANSETT and the Regulatory Commissions of Massachusetts and Rhode Island.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 September 7, 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 79-26164 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-592]

Minnesota Power & Light Co.; Notice of Filing

August 16, 1979

The filing Company submits the following:

Take notice that on August 14, 1979, the Minnesota Power & Light Company, pursuant to Section 35 of the Federal Power Act, tendered for filing Revised Supplement A dated July 30, 1979 which supersedes the Supplement A dated February 28, 1978 to the Electric Service Agreement between the City of Brainerd, and Minnesota Power & Light Company dated February 28, 1978. The Electric Service Agreement was tendered for filing with the FERC on June 27, 1979.

The Revised Schedule A will change the number of delivery points from 5 as indicated on the present Schedule A to the Electric Service Agreement, to one delivery point as indicated on the Revised Schedule A.

MP&L requests a retroactive effective date of the Electric Service Agreement and the Revised Schedule A to July 19, 1979, and therefore requests the Commission to waive the notice requirements of Section 35.11 of its Rules of Practice and Procedure.

Any person desiring to be heard or to make any protest with reference to said

filing should, on or before September 7, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 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 must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26165 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-58]

Montana-Dakota Utilities Co.; Notice of Application

August 17, 1979

The filing Company submits the following:

Take notice, that on August 15, 1979, Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delawae and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Bismarck, North Dakota, filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order for authority to issue 850,000 shares of Common Stock, par value $10. The Company presently has issued and outstanding 5,459,476 shares of Common Stock with the par value of $10 per share.

If approved by the appropriate regulatory agencies, the Common Stock will be offered at competitive bidding on October 10, 1979. The price per share to be paid to the Company for the Common Stock will be determined by competitive bidding. The net proceeds from the issuance and sale of the Common Stock are to be used for the Applicant's 1979 construction program including the repayment of short-term borrowings incurred for that purpose.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 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 Rule 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.

[FR Doc. 79-26178 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-593]

Montaup Electric Co.; Notice of Filing

August 16, 1979.

The filing Company submits the following: Take notice that on August 14, 1979 Montaup Electric Company tendered for filing an executed agreement under which the Town of Braintree, Massachusetts will purchase capacity and energy from Montaup's 50% ownership share of the Canal No. 2 generating unit. The agreement provides that Braintree will purchase 5.9932% of the capacity and associated energy of Canal No. 2 for the period November 1, 1979 through October 31, 1981 and 5.1370% for the period November 1, 1981 through October 31, 1985. The capacity purchases for these periods are equivalent to 35 MW and 30 MW, respectively. Montaup states that the demand charge for the Braintree unit sale is $2.666 per kilowatt-month.

The agreement provides that Montaup will provide transmission over its system and that Braintree will be responsible for providing its own transmission service beyond Montaup's system border. The agreement provides that Montaup's transmission service to Braintree will be provided under the NEPOOL EHV PTF rate schedule. Montaup requests that the agreement be made effective in accordance with its terms on November 1, 1979.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 7, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Montaup Electric Company are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26166 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL79-25]

New England Power Co.; Notice of Petition for Declaratory Order

August 16, 1979.

Please take notice that the New England Power Company (NEPCO) on August 3, 1979, filed a petition for declaratory order, pursuant to 18 C.F.R. § 1.7(c), seeking clarification of its rights under the unexecuted power contract with the Town of Hudson, Massachusetts (Hudson) accepted for filing by this Commission on November 22, 1978 in Docket No. ER78-44. According to NEPCO, the sole issue in controversy concerns the validity of the interest charges authorized in Article VI of the filing.

Any person desiring to be heard or to make any protest with reference to said petition should, on or before September 10, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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, 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 petition is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-26167 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP71-107; PGA79-1]

Northern Natural Gas Co.; Notice of Settlement Conference

August 16, 1979.

Take notice that an informal settlement conference in the subject proceeding will be convened on August 22, 1979 at 10:00 A.M. in a conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26168 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 108]

Northern States Power Co.; Notice of Application for Approval of a Change in Land Rights

August 14, 1979.

Take notice that on May 1, 1979, the Northern States Power Company ("Northern States") filed an application under the Federal Power Act, 16 U.S.C. §§ 791a–825r, for authority to grant an easement over lands of the Chippewa Reservoir Hydroelectric Project No. 108 in Sawyer County, Wisconsin. Correspondence with Northern States concerning this matter should be addressed to: Mr. John L. Carroll, President, Northern States Power Company, 100 North Barstow Street, Eau Claire, Wisconsin 54701.

The easement would be granted to Messrs. Kenneth Neumann and Dean H. Hesselberg ("Grantees") who own property located in U.S. Government survey lot 1, T.29 N., R.6W., Section 12, 4th Principal Meridian, Sawyer County. The Grantees propose to construct an access road through project lands to their property. There is presently no means of access to the property from a public road.

The access road would lead from Sawyer County Highway "C" to the Grantees' property. The right-of-way for the road would be 66 feet wide and approximately 1,250 feet long. The application states that the Grantees intend to use their property for camping and for access to the Chippewa River.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before September 28, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26179 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-417]

Northwest Pipeline Corp.; Notice of Application

August 15, 1979.

Take notice that on July 24, 1979, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah, 84110, filed in Docket No. CP79-417 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to sell and deliver volumes of gas to certain of its existing customers pursuant to Applicant's presently effective FERC Rate Schedule SGS-1, for the 1979–80 heating season through the 1981–82 heating season. Two alternative proposals for such authorization have been tendered for the sale of daily volumes dependent upon the disposition of authorization for the winter service pending before the Commission in Docket No. CP79-277. The two proposals for daily quantities are as follows:

	Therms	1,000 ft³
Without Winter Service as Proposed in Docket No. CP79-277		
Daily quantity	3,144,000	300,000
Firm	752,464	71,800
Best efforts total daily	3,896,464	371,800
Seasonal quantity, firm	113,184,000	10,800,000
With Winter Service as Proposed in Docket No. CP79-277		
Daily quantity	2,620,000	250,000
Firm	752,464	71,800
Best efforts total daily	3,372,464	321,800
Seasonal quantity, firm	113,184,000	10,800,000

The difference between daily volumes with or without the Winter Service is 50,000 Mcf (524,000 therms) which, upon Commission approval in Docket No. CP79-277, would be released to Applicant by The Washington Water Power Company (Water Power) from daily volumes otherwise available to Water Power as a one third owner of the Jackson Prairie Storage Project (Jackson Prairie), it is stated.

It is stated that Applicant filed its application on April 18, 1979, in Docket No. CP79-277 requesting to provide Winter Service to three of its existing customers by proposing to convert 75,000 Mcf of daily capacity and 7,500,000 Mcf of seasonal capacity available from base load storage at Clay Basin to Winter Service. In order to protect Applicant's present contract demand, Applicant arranged to acquire 2,000,000 Mcf of Jackson Prairie storage capacity together with 75,000 Mcf of daily deliverability. As a part of such arrangement Applicant and Water Power entered into a Letter Agreement dated May 19, 1979, whereby Water Power assigned to Applicant 50,000 Mcf of daily withdrawal capacity from Jackson Prairie.

It is further stated that in a separate but related matter currently pending before the Commission, Applicant has filed on July 3, 1978 to amend further orders issued in Docket No. CP75-287 to increase the seasonal capability of Jackson Prairie from 10,800,000 Mcf to 11,400,000 MCf and to reallocate the seasonal, best efforts and peak day quantities as between existing customers. In a companion application at Docket No. CP75-110, Washington Natural Gas Company (Washington Natural) filed on June 5, 1978 to amend orders to increase the seasonal quantity that Washington Natural is authorized to deliver to Applicant in support of

Applicant's sale and delivery of Jackson Prairie storage volumes. In the event the Commission issues a final order in Docket Nos. CP75–287 and CP75–110, increasing the seasonal quantity available for withdrawal, Applicant would amend the herein requested authorizations to conform to such approvals.

The present and proposed use of storage capacity, as shown in the application are as follows:

	Daily quantity (in therms)		
	Firm	Best efforts	Total
Presently authorized daily allocation:			
CP National Corp.	26,749	7,525	34,274
Cascade Natural Gas Corp.	169,177	40,466	209,643
Intermountain Gas Co.	239,204	42,187	281,391
Northwest Natural Gas Co.	234,852	70,097	304,949
Peoples Natural Gas, division of Northern Natural Gas Co.	4,591	1,254	5,845
Southwest Gas Corp.	121,568	29,095	150,663
Washington Natural Gas Co. and the Washington Water Power Co.—jointly	2,347,859	561,840	2,909,699
Total therms	3,144,000	752,464	3,896,464
Total 1,000 ft³	300,000	71,800	371,800
The proposed daily allocations without winter service for the 1979–80 through 1981–82 heating seasons are identical to those set forth above.			
Daily allocation with winter service:			
CP National Corp.	26,749	7,525	34,274
Cascade Natural Gas Corp.	169,177	40,466	209,643
Intermountain Gas Co.	239,204	42,187	281,391
Northwest Natural Gas Co.	234,852	70,097	304,949
Peoples Natural Gas, division of Northern Natural Gas Co.	4,591	1,254	5,845
Southwest Gas Corp.	121,568	29,095	150,633
Washington Natural Gas Co. and the Washington Water Power Co.—jointly	1,823,859	561,840	2,385,699
Total therms	2,620,000	752,464	3,372,464
Total 1,000 ft³	250,000	71,800	321,800

The seasonal allocation for the 1979–80 through 1981–82 heating season is as follows:

Company	Seasonal quantity (therms)
CP National Corporation	963,000
Cascade Natural Gas Corporation	6,090,000
Intermountain Gas Company	8,611,000
Northwest Natural Gas Company	8,455,000
Peoples Natural Gas Company, Division of Northern Natural Gas Company	165,000
Southwest Gas Corporation	4,377,000
Washington Natural Gas Company and The Washington Water Power Company—Jointly	84,523,000
Total Therms	113,184,000
Total 1,000 ft³	10,800,000

The application further states that no new facilities are required to effectuate the proposal therein and that volumes of natural gas delivered to Jackson Prairie for storage can be made from Applicant's presently owned and contracted gas supply. No curtailment of Applicant's customers' firm requirements are therefore contemplated.

It is said that Applicant would file pursuant to Section 154 of the Commission's Regulations, upon approval of the proposal in Docket No. CP79–277, a revised service agreement with Water Power reflecting release of 50,000 Mcf of daily storage deliverability to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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. 79–26169 Filed 8–22–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RP73–36]

Panhandle Eastern Pipe Line Co.; Notice of Change in Tariff

August 16, 1979.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on August 10, 1979 tendered for filing Substitute Thirtieth Revised Sheet No. 3–A and Substitute Seventh Revised Sheet No. 3–B to its FERC Gas Tariff, Original Volume No. 1. An effective date of September 1, 1979 is proposed.

On July 18, 1979 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing with the Commission revised tariff sheets reflecting its semi-annual PGA adjustment effective September 1, 1979. Such revised tariff sheets were filed in accordance with the Stipulation and Agreement dated March 5, 1979 in Docket No. RP78–62 approved by Commission Order dated July 3, 1979 and pursuant to the General Terms and Conditions of Panhandle's FERC Gas Tariff, Original Volume No. 1.

Concurrent with this submittal, Panhandle states it has filed with the Commission revised tariff sheets effective August 1, 1979 reflecting settlement rates in compliance with the conditions contained in the July 3, 1979 order and pursuant to the Stipulation and Agreement in Docket No. RP78–62. Therefore, Panhandle states it submits this filing in order to reflect such settlement in its September PGA submittal.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 31, 1979. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-26170 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP78-62]

Panhandle Eastern Pipe Line Co.; Notice of Change in Tariff

August 16, 1979.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on August 10, 1979 tendered for filing the following revised tariff sheets:

FERC Gas Tariff, Original Volume No. 1

Thirty-First Revised Sheet No. 3–A
Eighth Revised Sheet No. 3–B
Fourth Revised Sheet No. 43–1
Sixth Revised Sheet No. 43–2
Seventh Revised Sheet No. 43–3
Eighth Revised Sheet No. 43–4
First Revised Sheet No. 43–4.1

FERC Gas Tariff, Original Volume No. 2

Third Revised Sheet No. 93
Third Revised Sheet No. 135
Third Revised Sheet No. 211
Second Revised Sheet No. 439
Second Revised Sheet No. 462
Second Revised Sheet No. 463
Second Revised Sheet No. 484
Second Revised Sheet No. 556
Second Revised Sheet No. 611
Second Revised Sheet No. 640
Second Revised Sheet No. 641
Third Revised Sheet No. 694
Third Revised Sheet No. 695
Second Revised Sheet No. 724
Second Revised Sheet No. 725
Third Revised Sheet No. 784
Third Revised Sheet No. 801
Second Revised Sheet No. 811
Second Revised Sheet No. 812
Third Revised Sheet No. 848
Third Revised Sheet No. 849
Third Revised Sheet No. 875
Third Revised Sheet No. 876
Second Revised Sheet No. 963
Second Revised Sheet No. 964
First Revised Sheet No. 1262
First Revised Sheet No. 1263

The proposed effective date of these revised tariff sheets is August 1, 1979.

On July 3, 1979 the Commission issued a letter order accepting and approving a Stipulation and Agreement proposing settlement of most of the issues in subject docket. In compliance with the conditions contained in the July 3, 1979 order, Panhandle states that such revised tariff sheets reflect rates based upon the Cost of Services contained in the Stipulation and Agreement as set forth in its Appendix A. These tariff sheets also reflect revised PGA provisions that were approved under this Stipulation and Agreement. Panhandle also states that supporting details of the cost classification, cost allocation and rate design are enclosed.

Panhandle states that copies of its filing have been served on all jurisdictional customers, applicable State regulatory agencies and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26171 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-420]

Peoples Natural Gas, Division of Northern Natural Gas Co.; Notice of Application

August 15, 1979.

Take notice that on July 26, 1979, Peoples Natural Gas, Division of Northern Natural Gas Company (Peoples), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-420 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Cities Service Gas Company (Cities) to construct an additional delivery point and necessary related measuring facilities for the benefit of Peoples, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The application asserts that during the past two heating seasons, Peoples has experienced low pressure problems in its Dodge City, Kansas distribution system especially in the northeast segment where indications are that the growth trend of Dodge City will be towards that area. Further, it is stated that deliverability studies based on the 1978–79 winter period distribution system operation indicate that pressure in the northeast part of the distribution system could drop to the extent that, as early as the 1979–80 winter period, some high priority customers could be without natural gas service during extremely cold periods. To alleviate the problem, Peoples submits that Cities has a 12-inch branch line terminating near the southeast corner of Ford County, Kansas where Cities sells gas directly to an anhydrous ammonia plant of Farmland Industries, Inc. and the proposed delivery point would be located on the branch line at or near the ammonia plant. Peoples would install approximately five miles of 6-inch distribution line from the new delivery point in a westerly direction and tie-in to the northeast segment of the present distribution system, thereby alleviating the pressure problems currently being experienced in the Dodge City distribution system and assuring continued reliable service for Peoples' high priority market.

The total cost of this proposed project to Peoples and its rate payers, including the cost of the measuring facilities, is estimated to be approximately $100,000 less than the cost of installing loop lines from Cities' existing delivery point to Peoples, which would have to be done if the proposed facilities were not constructed.

The total cost of the facilities would be paid by Peoples and is estimated at $50,000.

Peoples asserts that construction of the proposed delivery point would eliminate the pressure drop problem experienced over the past two winters and is the most economic solution to such a problem for both Peoples and its Dodge City rate payers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 6, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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. 79-26180 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP77-62]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Notice of Tariff Filing in Compliance With Stipulation and Agreement

August 17, 1979.

Take notice that on August 15, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed tariff sheets to its FERC Gas Tariff, Ninth Revised Volume No. 1, consisting of the following:

Second Revised Sheet No. 213B.
Fourth Revised Sheet No. 213C.
Third Revised Sheet No. 213D.

Tennessee states that these tariff sheets revise its PGA provision in accord with Article II of the Stipulation and Agreement (February 23, 1979) in Docket No. RP77-62, which was approved by letter order dated July 3, 1979.

Tennessee also states that copies of the filing were served on all jurisdictional customers, affected state agencies and parties to Docket No. RP77-62.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before September 4, 1979. Protests will be considered by the Commission 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 must file a petition to intervene, provided, however, that persons who have previously intervened need not file an additional petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-26181 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP74-41 (PGA79-3) (DCA79-2)]

Texas Eastern Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

August 17, 1979.

Take notice that Texas Eastern Transmission Corporation on August 15, 1979 tendered for filing proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Substitute Forty-ninth Revised Sheet No. 14.
Substitute Forty-ninth Revised Sheet No. 14A.
Substitute Forty-ninth Revised Sheet No. 14B.
Substitute Forty-ninth Revised Sheet No. 14C.
Substitute Forty-ninth Revised Sheet No. 14D.

These sheets are issued pursuant to Ordering Paragraph (C) of the Commission's ORDER ACCEPTING FOR FILING AND SUSPENDING PROPOSED TARIFF SHEETS, SUBJECT TO CONDITIONS AND ESTABLISHING PROCEDURES, issued July 31, 1979 in Docket No. RP74-41 (PGA No. 79-3 and DCA No. 79-2). These sheets are filed in substitution for sheets filed by Texas Eastern on June 18, 1979 and Texas Eastern states that the filing is in full compliance with the Commission's Order issued July 31, 1979.

The proposed effective date of the above tariff sheets is August 1, 1979.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 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 Sept. 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26182 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2920]

Truckee-Donner Public Utility District; Notice of Application for Preliminary Permit

August 7, 1979.

Take notice that the Truckee-Donner Public Utility District filed on March 27, 1979, and supplemented June 16, 1979, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C., Section 791(a) 825(r)] for a proposed water power project to be known as the Boca and Prosser Creek Project, FERC No. 2920, located on Prosser Creek and the Little Truckee River, which are tributaries to the Truckee River in Nevada County, California. The proposed project would affect lands of the United States under the jurisdiction of the U.S. Bureau of Reclamation (BOR) and would utilize water released from BOR's Boca and Prosser Creek Reservoirs.

Correspondence with the Applicant should be directed to: Mr. Milton Seymour, General Manager, Truckee-Donner Public Utility District, P.O. Box 309, Truckee, California 95734, and Mr. Steven Grumer, District Counsel, Truckee-Donner Public Utility District, P.O. Box 309, Truckee, California, 95734.

Projection Description—The Boca and Prosser Creek Project would utilize water releases from two existing BOR reservoirs through existing outlet works to the proposed project works consisting of: (1) two penstocks; and (2) two powerhouses.

Water is currently released from Boca Reservoir through existing outlet works under the right abutment into a 12-foot-diameter, concrete-lined tunnel, and is subsequently conveyed through a pair of 50-inch steel pipes which connect to two 42-inch needle valves. A bifurcation would be installed on one of the 50-inch pipes and would divert the flow through a 40-foot-long steel penstock to a powerhouse, to be constructed at the base of BOR's existing Boca Dam, housing a 2000-kW Francis turbine and generator. The estimated average annual energy generation of the Boca powerplant would be 7 million kWh.

Water is currently released from Prosser Creek Reservoir through existing outlet works into an 8-foot-diameter, steel conduit and is subsequently conveyed through an unpressurized, concrete conduit to a stilling basin. A steel conduit would be installed within the existing concrete conduit and would be connected to the existing gate structure. Water would be conveyed through the new conduit, a bifurcation, and a steel penstock to a powerhouse, to be constructed at the base of BOR's

existing Prosser Creek Dam, housing a 1000-kW Francis turbine and generator. Water not diverted would be passed through a proposed energy dissipation device. The estimated average annual energy generation of the Prosser Creek powerplant would be 3.5 million kWh.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 3 years (36 months), during which it would prepare a definitive project report, including preliminary designs, geological explorations, and collect environmental data. The cost of these activities, together with the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, preparing a FERC license application and final designs, and conducting final geologic explorations and field surveys, is estimated by the Applicant to be about $250,000.

Purpose of the Project—The Truckee-Donner Public Utility District would distribute the power generated at the project to local residents, businesses, industries, and other government agencies in the vicinity. Applicant uses 2.5 million kilowatt-hours per year for District uses, such as lighting and pumping. The energy from the Boca and Prosser Creek Project would reduce the Applicant's need to purchase energy.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic , and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.8 or Section 1.10 (1978).

In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before October 9, 1979. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-26183 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-590]

Virginia Electric & Power Co.; Notice of Filing

August 16, 1979.

Take notice that the Virginia Electric and Power Company (VEPCO) on August 13, 1979, submitted for filing an attachment to its contract with Prince George Electric Cooperative. The attachment specifies a new delivery point in Sussex County, Virginia, Booker Delivery Point.

The transmittal letter indicates that copies of the filing were sent to the Cooperative, to the State Corporation Commission; and to the Southeastern Power Administration.

VEPCO requests a retroactive effective date for the filing of July 31, 1979 and a waiver of the filing of billing data under Section 35 of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 10, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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, 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 must file a petition to intervene in accordance with the Commission's rules. The filing is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-26172 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-589]

West Texas Utilities Co.; Notice of Filing

August 16, 1979.

The filing Company submits the following:

Take notice that West Texas Utilities Company ("WTU") on August 13, 1979, tendered for filing an Initial Electric Rate to the City of Baird, a municipal corporation of the State of Texas. Under the wholesale contract submitted for filing, WTU provides all the power and energy required by the City for the operation of that portion of its electric distribution system connected to the point of delivery provided for in the contract, with a maximum contract load of 900 kilowatts per month and a minimum contract load of 450 kilowatts per month. The estimated revenue for the duration of the contract, from July 25, 1979, through December 31, 1979, is $48,074.02.

WTU states that it began service to the City of Baird on July 25, 1979, on an emergency basis because the City estimated it would be unable to meet its 1979 summer peak demand from the City's own generation facilities.

WTU also states that a copy of the complete filing was served upon the City of Baird, Baird, Texas, and the Public Utility Commission of Texas, Austin, Texas.

Any person desiring to be heard or to protest that application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance

with paragraphs 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 September 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party 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. 79-26173 Filed 8-22-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50439; FRL 1303-7]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 279-EUP-69. FMC Corp., Philadelphia, PA 19103. This experimental use permit allows the use of the remaining supply of 1,040 pounds of the insecticide permethrin on lettuce, tomatoes, and soybeans to evaluate control of insects. A total of 2,320 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Washington, and Wisconsin. This program was authorized in a previous experimental use permit which was effective from July 17, 1978 to July 17, 1979. It is now authorized until July 12, 1980. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (PM-17, Franklin Gee, Room: E-343, Telephone: 202/426-9417)

No. 20954-EUP-12. Zoecon Corp., Palo Alto, CA 94304. This experimental use permit allows the use of 0.132 pound of permethrin for household use to evaluate control of cockroaches. A total of 6 homes are involved; the program is authorized only in the States of Arizona, California, Mississippi, and Texas. The experimental use permit is effective from July 18, 1979 to July 18, 1980. This experimental use permit is being issued with the limitation that no part(s) or chemical of treated area(s) will enter into the food-chain. (PM-17, Franklin Gee, Room: E-343, Telephone: 202/426-9417)

No. 10772-EUP-1. Church and Dwight Co., Inc., Piscataway, NJ 08854. This experimental use permit allows the use of 198 pounds of sodium bicarbonate in apartments to evaluate control of German cockroaches. A total of 25 buildings are involved; the program is authorized only in the State of Indiana. The experimental use permit is effective from July 18, 1979 to July 18, 1980. (PM-15, Jay Ellenberger, Room: E-329, Telephone: 202/426-9490)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Statutory Authority: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: August 20, 1979.

Herbert S. Harrison,

Acting Director, Registration Division.

[FR Doc 79-26233 Filed 8-22-79; 8:45 am]

BILLING CODE 6560-01-M

Minnesota Pretreatment Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the National Pollutant Discharge Elimination System Pretreatment Program for the State of Minnesota.

SUMMARY: On July 16, 1979, the Environmental Protection Agency approved the State of Minnesota's National Pollutant Discharge Elimination System State Pretreatment Program. Minnesota is the first State in the nation to receive this approval.

FOR FURTHER INFORMATION CONTACT: William R. Diamond, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

Background

The pretreatment program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs). The objectives of the pretreatment program are to: (1) prevent introduction of pollutants into POTWs which will interfere with the operation of the POTW or contaminate the sewage sludge; (2) prevent introduction of pollutants into POTWs which will pass through treatment works into receiving waters or the atmosphere or otherwise be incompatible with the works; (3) improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment. Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. The EPA and States approved to administer the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program will enforce the national standards where local governments do not develop a pretreatment program. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

Federal Register Notice of Approval of State NPDES Programs or Modifications

Under the recently revised NPDES regulations (44 FR 32854, June 7, 1979), EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. Each notice will include a table similar to the following one, setting forth the current status of program approval. This table will provide the public with an up to date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
California	5/14/73	5/5/76	
Colorado	3/27/75		
Connecticut	9/26/73		
Delaware	4/1/74		
Georgia	6/28/74		
Hawaii	11/28/74	6/1/79	
Illinois*	10/23/77		
Indiana	1/1/75	12/9/78	
Iowa	8/10/78	8/10/78	
Kansas	6/28/74		
Maryland	9/5/74		
Michigan	10/17/73	12/9/78	
Minnesota	6/30/74	12/9/78	7/16/79
Mississippi	5/1/74		
Missouri	10/30/74	6/26/79	
Montana	6/10/74		
Nebraska	6/12/74		
Nevada	9/19/75	8/31/78	
New York	10/28/75		
North Carolina	10/19/75		
North Dakota	6/13/75		
Ohio	3/11/74		
Oregon	9/26/73	3/2/79	
Pennsylvania	6/30/78	6/30/78	
South Carolina	6/10/75		
Tennessee	12/28/77		
Vermont	3/11/74		
Virgin Islands	6/30/76		
Virginia	3/31/75		
Washington	11/14/73		
Wisconsin	2/4/74		
Wyoming	1/30/75		

*On January 26, 1979, the United States Court of Appeals for the Seventh Circuit invalidated the Agency's approval of the Illinois NPDES program in *Citizens for a Better Environment* v. *Environmental Protection Agency* (No. 78-1042; Petition for rehearing denied May 16, 1979). However, on May 30, 1979, the Court stayed the enforcement of its order until February 23, 1980, in order to provide EPA an opportunity to revise its regulations governing public participation in enforcement. In the interim, the State of Illinois is operating an approved program.

For further information on the *Citizens for a Better Environment* case and the Agency's response thereto, see the public participation in enforcement regulations that were recently promulgated in the **Federal Register.**

Dated: August 16, 1979.

Marvin B. Durning,

Assistant Administrator for Enforcement.

[FR Doc. 79-26232 Filed 8-22-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1303-4]

Approval of State Application for Missouri Drinking Water; Primary Enforcement Responsibility

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f *et seq.*) and 40 CFR 142 (41 FR 2918; January 20, 1976), Mr. Fred A. Lafser, Director, Missouri Department of Natural Resources, has submitted to the Environmental Protection Agency (EPA) an application to assume primary enforcement responsibility over public water supply systems in the State of Missouri.

Notice is hereby given that the Regional Administrator, EPA, Region VII, has approved this application for primary enforcement authority, to become effective September 24, 1979. This action is based on a thorough evaluation of the state's public water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of:

1. State primary drinking water regulations;
2. An inventory of public water supply systems;
3. A systematic program of sanitary surveys;
4. A state program for certification of laboratories;
5. State laboratory facilities certified by EPA;
6. A public water supply system plan review program;
7. Adequate statutory or regulatory enforcement authority;
8. Record-keeping and reporting procedures;
9. A program for issuing variances and exemptions; and
10. A plan for providing safe drinking water under emergency circumstances.

This evaluation has shown that the Missouri program fulfills all requirements for obtaining primary enforcement authority.

Any interested person may request a public hearing to consider the Regional Administrator's determination within 30 days of the publication of this notice. If a public hearing is requested and granted, this determination shall not become effective until such time, following the hearing, as the Regional Administrator issues an order affirming or rescinding the determination. Requests for hearing shall be addressed to: Kathleen Q. Camin, Ph.D., Regional Administrator, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

and shall include the following information:

1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.
2. A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.
3. The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a

responsible official of the organization or other entity.

A complete copy of the Missouri application for primary enforcement responsibility is available for public inspection during normal business hours at the Office of the Regional Administrator and at the following location in Missouri: The Missouri Department of Natural Resources, 2019 Missouri Boulevard, Jefferson City, Missouri 65101.

Dated: August 17, 1979.

Kathleen Q. Camin,

Regional Administrator, Region VII.

[FR Doc. 79-26236 Filed 8-22-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1230-6]

Science Advisory Board; Technology Assessment and Pollution Control Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the Technology Assessment and Pollution Control Committee of the Science Advisory Board will be held at the U.S. Environmental Protection Agency's Research Triangle Park Laboratory Facilities, Research Triangle Park, North Carolina on September 10, 11,12, 1979, beginning each day at 9:30 a.m. The address is the Environmental Research Center, Class Room No. 3, Research Triangle Park, North Carolina.

The purpose of the meeting will be to obtain information from EPA research personnel on the programs and research activities designed to assess and aassure adequate technology for the treatment of toxic and hazardous material in various kinds of emissions. This information is part of a review and analysis activity of the Committee to assure that appropriate (engineering efficient and cost-effective) technological systems exist and are implementable to respond to regulatory needs for the control of various kinds of toxic and hazardous materials.

Persons desiring to attend the meeting should contact the Acting Executive Secretary for this group, Dr. Joel L. Fisher at (202) 472-9444 by close of business on September 6, 1979.

Dated: August 20, 1979.

J. Frances Allen,

Acting Staff Director, Science Advisory Board.

[FR Doc. 79-26234 Filed 8-22-79; 8:45 am]

BILLING CODE 6560-01-M

[OTS-53004; FRL 1303-2]

Office of Toxic Substances, Premanufacture Notices; Status Report for July 1979

AGENCY: Environmental Protection Agency (EPA or the Agency).

ACTION: Monthly Summary of Premanufacture Notices.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for July 1979.

DATE: Interested parties wishing to file written comments on a specific chemical substance should submit those comments no later than 30 days before the expiration of the applicable review period.

ADDRESS: Written comments should bear the PMN number of the particular substance and should be addressed to the Document Control Officer (TS-793), Office of Toxic Substances, EPA, 401 M St., SW, Washington, DC 20460.

Nonconfidential portions of the PMN's and other documents in the public record are available for public inspection from 9:00 a.m. to 4:00 p.m., Monday through Friday (excluding holidays), in Room E-447 at the address above.

FOR FURTHER INFORMATION CONTACT: Yvonne Adams, Premanufacturing Review Division (TS-794), Office of Toxic Substances, EPA, Washington, DC 20460, 202/426-8816.

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA at least 90 days before he begins manufacture or import. A new chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. On May 15, 1979, the Agency announced the availability of this inventory in the **Federal Register** (44 FR 28558), and set June 1, 1979 as the publication date of this inventory. Therefore, the section 5 requirements are effective for all new chemical substances manufactured or imported for a commercial purpose after July 1, 1979. Once EPA receives a PMN, the Agency normally has 90 days to review it. However, under section 5(c) of TSCA, EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that such an extension is necessary, the Agency will publish the reasons for the extension in the **Federal Register.**

The monthly status report required under section 5(d)(3) will identify: (a) each chemical substance for which a PMN has been received and for which the review period has not expired; (b) each chemical substance for which the premanufacture review has expired since publication of the last monthly summary; and (c) each "new" chemical substance which has been in the review process for less than 30 days. Eventually the report will also identify each chemical substance which has been added to the inventory since the last monthly report.

statutory authority: Section 5 of the Toxic Substances Control Act (90 Stat. 2012; 15 U.S.C. 2604).

Dated: August 17, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

Premanufacture Notices; Status Report for July 1979

1. Premanufacture notices received during month:

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ-0779-0004	Amine salts of dicarboxylic acids	44 FR 44931 (July 31, 1979)	Oct. 17, 1979

II. Premanufacture notices for which the review period has expired since publication of the last monthly summary: None.

III. Premanufacture notices still under review at the beginning of the month for which period has not expired:

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ0479-0002-1	Isobutyric acid carbomonocyclic ester	44 FR 23310 (Apr. 19, 1979)	Sept. 2, 1979.[1]
5AHQ0479-0002-2	Propiophenone, ring substitute-2-methyl	do	Do.
5AHQ0479-0002-3	Butyronitrile, 2-(substituted phenyl)-3-methyl.	do	Do.
5AHQ0479-0002-4	Benzyl alcohol, ring substituted-alpha-iso-propyl.	do	Do.

[1] Per section 5(c), TSCA extension of 60 days.

IV. Premanufacture notices completing review during the month: None.

[FR Doc. 79-26235 Filed 8-22-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1303-5]

Water Programs; Determination of Primary Enforcement Responsibility; Virgin Islands

This public notice is issued under section 1413 of the Safe Drinking Water Act of 1977, Pub. L. 95-190, (Amending 42 U.S.C. 300f et seq.), and 40 CFR 142.10, National Interim Primary Drinking Water Regulations, published at 41 FR 2918 (January 20, 1976).

An application, dated August 2, 1979, has been received from Mr. Darlan Brinn, Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs requesting that the Department of Conservation and Cultural Affairs be granted primary enforcement responsibility for public water systems in the Virgin Islands, in accordance with the provisions of the Safe Drinking Water Act.

In response, I have determined, as Regional Administrator of the U.S. Environmental Protection Agency, Region II, that the Virgin Islands Department of Conservation and Cultural Affairs has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the Virgin Islands.

The Virgin Islands—

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such regulations, including:

a. Maintenance of an inventory of public water systems.

b. A systematic program for conducting sanitary surveys of public water systems.

c. Availability to the Virgin Islands of laboratory facilities certified by EPA and capable of performing analytical measurements of all contaminants specified in the regulations.

d. Establishment and maintenance of an activity to assure that the design and construction of new or substantially modified facilities will be capable of compliance with the regulations;

(3) Has adopted statutory or regulatory enforcement authority to compel compliance with the regulations;

(4) Will keep such records and make such reports as required;

(5) Will issue variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations; and

(6) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection during normal business hours, Monday through Friday, at the following offices:

Division of Natural Resource Management, Department of Conservation & Cultural Affairs, Government of Virgin Islands, St. Thomas, V.I. 00801.

Water Supply Branch, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

All interested parties are invited to submit written comments on this determination. Written comments must be received on or before September 24, 1979.

Further information may be obtained by writing the Water Supply Branch of the U.S. Environmental Protection Agency, Region II, or the Division of Natural Resources Management, Department of Conservation and Cultural Affairs or by calling Harry F. Smith Jr. at (212) 264-1800 or Pedrito Francois at (809) 774-6420.

A public hearing may be requested by any interested person. Frivolous or insubstantial requests for a public hearing may be denied; however, if a substantial request is received on or before September 24, 1979, a public hearing will be held and notice given in the **Federal Register** and newspapers of general circulation. Such requests shall be addressed to: Eckardt C. Beck, Regional Administrator, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007 and shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If no timely request for a hearing is received, my determination shall become effective 30 days after the date of this publication.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: August 17, 1979.

Eckardt C. Beck,

Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc. 79-26237 Filed 8-22-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-4a]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction

Released: August 16, 1979.

The FM Applicaitons listed below were inadvertently included on the acceptance/cut-off notice, Report No. A-4, BC Mimeo No. 20206, released on August 13, 1979.

BPED-790214AE NEW Owensboro, Kentucky, Western Kentucky University, Req: 89.5 MHz; Channel No. 208C, ERP: 100 kW; HAAT: 300 ft.

BPED-790305AL NEW Cumming, Georgia Curriculum Development Foundation, Inc. Req: 89.5MHz; Channel No. 208C, ERP: .400 kW; HAAT: 912 ft.

Accordingly, the applications are removed from the acceptance/cutoff-list and the September 24, 1979 cutoff date is deleted.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-26141 Filed 8-22-79; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee, Broadcast Services Subcommittee; Meeting and Change in Meeting Date

Pursuant to the provisions of Public Law 92–463, announcement is made of a public meeting of the Broadcast Services Subcommittee of the National Industry Advisory Committee to be held Friday, September 7, 1979. The Subcommittee will meet at the National Association of Broadcasters in the Board Room, located at 1771 N Street N.W., Washington, D.C. at 10:00 A.M. (This meeting was previously scheduled to take place Thursday, September 6, 1979 as announced in Federal Register/Vol. 44, No. 156/Friday, August 10, 1979/ Notices/Page 47160.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-26376 Filed 8-22-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-63]

East-West Federal Savings and Loan Association, Los Angeles, Calif., Approval of Conversion Application; Final Action

Notice if hereby given that on August 16, 1979, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 79–441 approved the application of East-West Federal Savings and Loan Association, Los Angeles, California for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

Dated: August 20, 1979.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Assistant Secretary.

[FR Doc. 79-26212 Filed 8-22-79; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-62]

Haven Federal Savings and Loan Association, Winter Haven, Fla., Approval of Conversion Application; Final Action

Notice if hereby given that on August 16, 1979, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 79–440 approved the application of Haven Federal Savings and Loan Association, Winter Haven, Florida for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 250 Peachtree Center NW., Atlanta, Georgia 30343.

Dated: August 20, 1979.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Assistant Secretary.

[FR Doc. 79-26213 Filed 8-22-79; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-64]

Valley First Federal Savings and Loan Association, El Centro, Calif., Approval of Conversion Application; Final Action

Notice if hereby given that on August 16, 1979, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 79–442 approved the application of Valley First Federal Savings and Loan Association, El Centro, California for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

Dated: August 20, 1979.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Assistant Secretary.

[FR Doc. 79-26214 Filed 8-22-79; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 4, 1979. Any person desiring a hearing on the propose agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos. T–3567–A–1 & T–3565–A–2.

Filing party: Morris R. Garfinkle, Esq., Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007.

Summary: Agreements Nos. T–3567–A–1 and T–3565–A–2, among the Puerto Rico Ports Authority (Port), the Puerto Rico Maritime Shipping Authority (PRMSA), and Sea-Land Service, Inc. (Sea-Land), comprise the same agreement, modifying the parties' basic agreements providing for Sea-Land's and PRMSA's lease and exclusive use of certain areas adjacent to the areas preferentially assigned to them at Puerto Nuevo, San Juan, Puerto Rico. The purpose of the modifications is to (1) relieve Sea-Land of its right to exclusive use of Area B and the monthly payment therefor of $13,842.77; (2) restore to PRMSA the exclusive use of Area B and the rental obligation to the Port; (3) provide for PRMSA's payment to Sea-Land of $200,000; (4) provide for the Port's having title to the improvements on Area B after October 31, 1983; and (5) amend T–3567–A by including Area B in Article VII A, whereby the Port can increase the ground rental for the areas subject to the lease after the first ten years of the lease.

By Order of the Federal Maritime Commission.

Dated: August 20, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-26219 Filed 8-22-79; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

President's Committee on Mental Retardation; Meeting

The President's Committee on Mental Retardation was established by Executive Order to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between foundations and other private organizations; and development of information designed for dissemination to the general public.

The Committee will meet on Wednesday, September 26, 1979, and Thursday, September 27, 1979, from 8:30 a.m. to 5:00 p.m., in the Carlyle I Room of the Old Town Holiday Inn, 480 King Street, Alexandria, Virginia. At the meeting the Committee will discuss full citizenship rights, humane service systems, trends in residential facilities, public awareness, and prevention of mental retardation.

These meetings are open to the public. A translator for the Deaf will be available upon advanced request. The Hotel is barrier free.

Further information on the President's Committee on Mental Retardation may be obtained from Mr. Fred J. Krause, Executive Director, Room 2614, ROB #3, 7th & D Streets, S.W., Washington, D.C., telephone: (202) 245-7634.

Dated: August 16, 1979.

Fred J. Krause,

Executive Director, President's Committee on Mental Retardation.

[FR Doc. 79-26152 Filed 8-22-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Outer Continental Shelf; Beaufort Sea, Proposed Oil and Gas Lease Sale

In connection with oil and gas leasing on the Outer Continental Shelf, the Secretary of the Interior has established a policy relating to sale notices to further and enhance consultation with the affected coastal States. That policy includes providing the affected States with the opportunity to review the draft proposed sale notice prior to its final publication in the **Federal Register.** The following is a draft sale notice for proposed joint Federal/State Beaufort Sea Lease Sale in the offshore waters of the Beaufort Sea off northern Alaska. This notice applies only to those tracts (leasing units) under Federal jurisdiction and those tracts the jurisdictional status of which is in dispute. The disputed tracts, with the exception of the area surrounding the feature shown on navigation charts as Dinkum Sands*, will be leased and managed by the Federal Government until the jurisdictional status is determined by the Supreme Court.

The State of Alaska will publish its own Notice of Sale for State-owned tracts and disputed tracts, including the area of Dinkum Sands. The final sale notice containing all the tracts will be issued jointly by the Governor and the Secretary of the Interior should they decide to proceed with the joint sale. The terms and conditions of the final sale notice which will be applicable to the disputed tracts must be agreed to by the State of Alaska. The State of Alaska to date has expressed specific concerns regarding certain terms and conditions contained in this proposed notice, and those concerns are noted where appropriate.

This notice is hereby published as a matter of information to the public. The sale date published in this notice is tentative and subject to change.

Dated: August 16, 1979.

Ed Hartey,

Associate Director, Bureau of Land Management.

Proposed Notice of Sale

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), as amended, and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of Bids.* Sealed bids will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address in 800 A Street, Anchorage, Alaska. Bids may be delivered either mail or in person, to the above address until noon, Alaska Standard Time, December 10, 1979; or by personal delivery to (sale site in Fairbanks, Alaska, to be announced) between 1:00 p.m. and 4:00 p.m. on December 10, 1979 or between the hours of 8:30 a.m., and 9:30 a.m., December 11, 1979. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., December 11, 1979. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in —— FR ———,1979.

3. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Leasing (insert number of tract), not to be open until 10 a.m., December 11, 1979," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, (44 FR 38289, June 29, 1979) Appendix A. Bidders are advised that tract (leasing unit) numbers are assigned solely for administrative purposes and are not the same as block numbers found on official leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Part 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, (44 FR 38289, June 29, 1979) Appendix B. Other documents may be required of bidders under 43 CFR 3316. 4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Bidding Method.* The bidding method on all Federal tracts will be bonus bidding with a fixed sliding scale royalty. Bids on all Federal tracts must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease

*This area includes those tracts within a 3 geographical mile radius of a geographic point at latitude 70°25'26" and longitude 147°47'47" but outside the 3 mile boundaries of Narwhal to the east and Cross Island to the west. The jurisdictional status of this area depends upon the existence of small island known as Dinkum Sands. A joint Federal/State effort is being started to determine whether the feature is permanently above high tide. Until such a determination is made, the area will remain part of the disputed area, but will be leased and managed by the State.

production during each calendar quarter. For purposes of determining the percent royalty due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form.

It is the Department of Interior's proposal that this bidding method also be used for the disputed tracts. The State of Alaska has not concurred in this proposal and final decision on the bidding method for disputed tracts will require concurrence of the state of Alaska.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than $20.077988 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.077988 million, but less than or equal to $8444.669829 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 8.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.5

When the adjusted quarterly value of production is greater than $8444.669829 million, a royalty of 65.00000 percent in amount or value or production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed, or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be rounded to five decimal places (for example, 22.52109 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 41.738629 millions of dollars).

The form of sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly valve of production to determine the royalty due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

BILLING CODE 4310-84-M

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

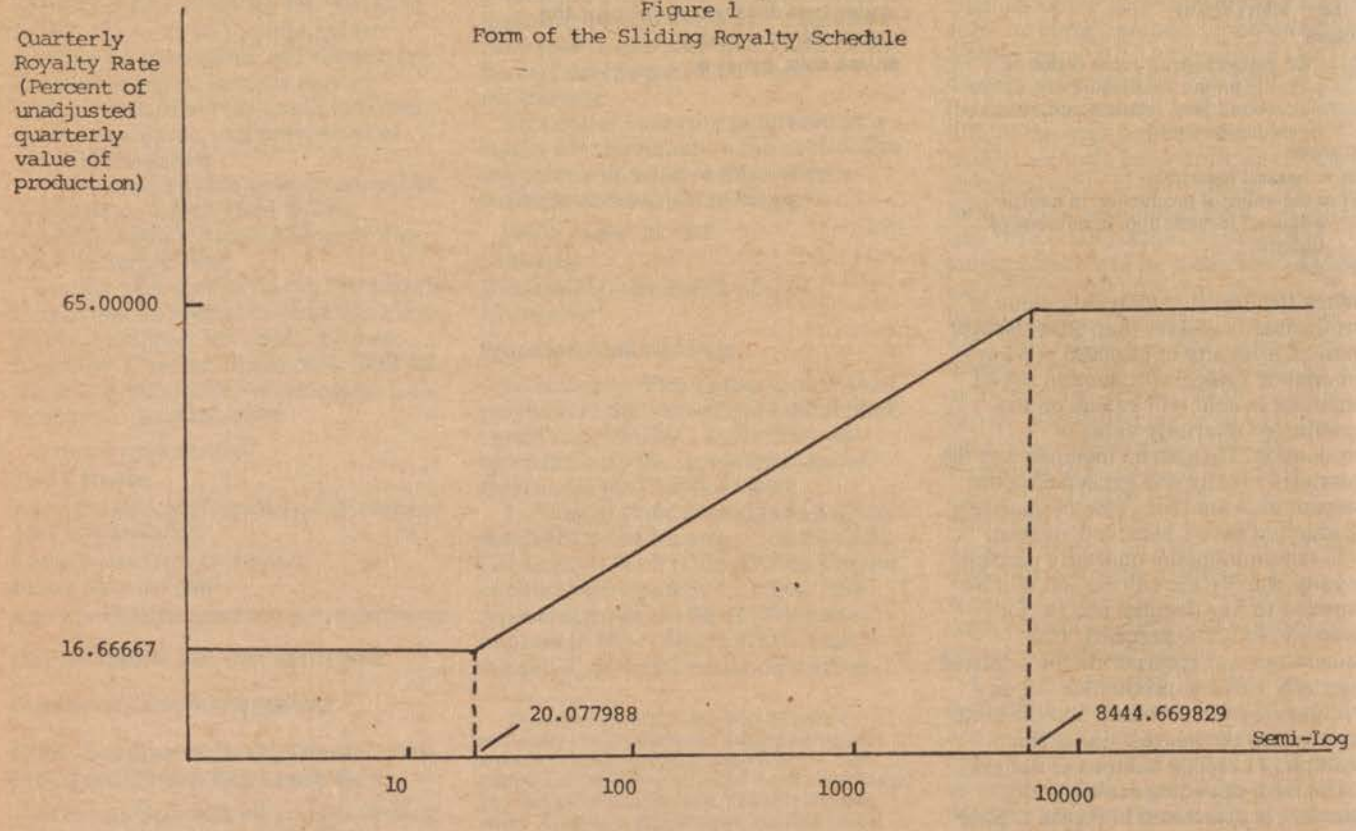
(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	17.57780	5.273339
90.000000	200.0	4/3	67.500000	26.36670	23.730025
270.000000	200.0	4/3	202.500000	35.15559	94.920102
810.000000	200.0	4/3	607.500000	43.94449	355.950382
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	16.66667	5.000000
90.000000	250.0	5/3	54.000000	24.58155	22.123392
270.000000	250.0	5/3	162.000000	33.37045	90.180201
810.000000	250.0	5/3	486.000000	42.15934	341.490679

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100.

Figure 1
Form of the Sliding Royalty Schedule



BILLING CODE 4310-84-C

Leases awarded on the basis of cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of $8 per hectare or fraction thereof.

Bidders for tracts covered by this notice should recognize that the Department of Energy is authorized, under Section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal Oil and Gas leases.

5. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m., December 11, 1979, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140–8 (November 1973), and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

6. *Bid Opening.* Bids will be opened December 11, 1979, beginning at 10:00 a.m., Alaska standard time, at (sale site in Fairbanks, Alaska, to be announced). The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, December 11, 1979, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. *Deposit of Payment.* Any cash, cashier's checks, certified checks, or Bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract covered by this notice from this sale prior to issuance of a written acceptance of a bid for that tract.

9. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any all bids for any tract. In any case, no bid for any and tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior. This determination for all disputed tracts (leasing units) requires the concurrence of the State of Alaska.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. *Successful Bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior, and concurred in by the State of Alaska for disputed tracts, will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR 3318.1 within the time provided in 43 CFR 3316.5.

11. *Leasing Map.* The Federal/State Beaufort Sea Oil and Gas Lease Sale Leasing and Nomination map, dated January 30, 1979, is available for $2.50 from the Manager, Alaska Outer Continental Shelf Office at the address stated in paragraph 2. An overlay depicting the tracts (leasing units) is available at the same address. Information on the current jurisdictional status of leasing units is provided below.

The western boundary of the sale area was originally defined on the State of Alaska protraction system on map dated November 21, 1977. However the new leasing and nomination map dated January 30, 1979, on which this Notice of Sale is based, redefines the western boundary on the Federal protraction system using geographic and UTM coordinates. The boundary starts on the northern edge of block 470 and proceeds south and east through leasing blocks 470, 514 and 558.

12. *Leasing Unit Descriptions.* A list of the tentative federal and disputed tracts offered for bid are as follows:

Note.—There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

BILLING CODE 4310-84-M

LEASING AND NOMINATION MAP
FEDERAL/STATE
BEAUFORT SEA OIL AND GAS LEASE SALE
(Approved January 30, 1979)

Tract	Block	Description	Est. Block Hectares	Est. Tract Hectares
BF-1	470	Federal Portion	914.59	914.59
BF-2	471	" "	1420.31	1420.31
BF-3	472	" "	1389.98	1389.98
BF-4	473	" "	1354.58	1354.58
BF-5	474	" "	1297.72	
	475	" "	1161.96	2459.68
BF-6	476	" "	1012.50	
	477	" "	906.43	1918.93
BF-7	478	" "	1731.54	1731.54
BF-8	522	" "	12.25	
	523	" "	952.96	965.21
BF-9	524	" "	2188.12	2188.12
BF-10	568	" "	279.82	
	569	" "	1665.97	1945.79
BF-11	613	" "	2.34	
	614	" "	740.29	742.63
BF-12	615	" "	1957.14	1957.14
BF-13	659	" "	44.20	
	660	" "	972.04	1016.24
BF-14	617	" "	2112.45	2112.45
BF-15	618	All	2304.00	2304.00
BF-16	661	Federal Portion	127.93	
	662	" "	990.45	1118.38
BF-17	663	" "	1747.74	1747.74
BF-18	664	" "	2282.30	2282.30
BF-19	708	" "	215.48	
	709	" "	938.48	1153.96
BF-20	710	" "	1657.21	1657.21
BF-21	711	" "	2233.32	2233.32
BF-22	755	" "	98.13	
	756	" "	561.00	659.13
BF-23	470	Disputed Portion	109.57	
	471	" "	611.95	
	515	" "	189.83	911.35
BF-24	472	" "	914.11	
	473	" "	689.95	
	474(West side)	" "	19.04	1623.10
BF-25	516	" "	2076.98	
	560	" "	44.64	2121.62
BF-26	517	" "	760.40	
	561(NW corner)	" "	114.81	875.21
BF-27	474(East side)	" "	60.67	
	475	" "	777.22	
	476	" "	937.01	
	477	" "	35.55	
	519	" "	36.00	
	520	" "	182.89	2029.34
BF-28	478	" "	76.81	
	522	" "	244.68	
	523	" "	1351.04	
	566	" "	3.36	
	567	" "	516.91	2192.80
BF-29	524	" "	115.88	
	568	" "	1527.63	
	569	" "	224.75	1868.26

Tract	Block	Description	Est. Block Hectares	Est. Tract Hectares
BF-30	617	Disputed Portion	88.55	
	659	" "	1115.39	
	660	" "	957.07	2161.01
BF-31	661	" "	21.53	
	662	" "	427.39	
	663	" "	556.26	
	706	" "	78.48	
	707	" "	1101.76	2161.01
BF-32	664	" "	21.70	
	708	" "	973.11	
	709	" "	386.45	1381.26
BF-33	710	" "	85.49	
	711	" "	70.47	
	755	" "	349.07	
	756	" "	64.60	569.63
BF-34	561(SE corner)	" "	88.36	
	562	" "	47.87	
	605	" "	104.29	
	606	" "	335.51	
	607	" "	679.09	1255.12
BF-35	564	" "	260.41	
	608	" "	1825.52	
	652	" "	13.41	2099.34
BF-36	609	" "	1240.62	
	653	" "	474.58	1715.20
BF-37	610	" "	25.56	
	654	" "	1442.64	
	698	" "	30.61	1498.81
BF-38	655	" "	2088.64	
	656	" "	133.44	2222.08
BF-39	699	" "	1043.90	
	743	" "	4.87	1048.77
BF-40	700	" "	1911.66	
	701	" "	300.10	2211.76
BF-41	744	" "	1964.79	1964.79
	745	" "	1991.41	
	746	" "	1.29	1692.70
BF-43	788	" "	163.37	
	789	" "	546.48	709.85
BF-44	792	" "	172.86	
	793	" "	37.43	
	836	" "	148.04	358.33
BF-45	613	" "	2.64	
	614	" "	557.96	
	615	" "	332.89	893.49

BILLING CODE 4310-84-C

13. *Lease Terms and Stipulations.* All leases on federal tracts will be for an initial term of 8 years. It is the Department of Interior's proposal that the 8 year term also be used for the disputed tracts. The State of Alaska has not yet concurred in this proposal and a final decision on this lease term for disputed tracts will require the concurrence of the State of Alaska. Leases issued as a result of this sale will be on Form 3300–1 (September, 1978), available from the Manager, Alaska Outer Continental Shelf Office, at the address listed in paragraph 2. Section 6 of the lease form will be amended as follows:

Sec. 6 *Royalty on Production.* (a) To pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows: When the quarterly value of production, adjusted for inflation is less than $20.077988 million, a royalty of 16.66667 percent is amount of value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adusted quarterly value of production is equal to or greater than $20.077988 million, but less than or equal to $8444.669829 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[Ln(Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value or all production saved, removed or sold in quarter j

b = 8.0

Ln = natural logarithm

Vj = the value of production is quarter j, adusted for inflation, in millions of dollars

S = 2.5

When the adjusted quarterly value of production is greater than $8444.669829 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be rounded to five decimal places (for example, 22.52109 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 41.738629 millions of dollars). Gas of all kinds (except Helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

Except as otherwise noted, the following stipulations will be included in each lease. In the following stipulations the term Supervisor refers to the Alaska Area Oil and Gas Supervisor of the Geological Survey and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management. These stipulations apply only to Federal tracts and disputed tracts.

Stipulation No. 1

In the event any site, structure, or object of historic or archeological significance should be discovered during the conduct of any operations on the leased area, the lessee shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect such site, structure, or object from damage until the Supervisor has given directions as to its preservation.

Upon abandonment of the drilling platform or related facilites, such facilities will be removed to the extent that they no longer intrude on the historical or cultural scene or could otherwise adversely affect an archaeological, or historical, site or area included in or eligible for inclusion in the National Register of Historic Places.

Stipulation No. 2

The lessee shall include in any exploration and/or development plans proposed training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the Supervisor. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the indivdiual's job. The program shall be formulated and implemented by qualified instructors experienced in each pertinent field of study and shall employ effective methods to insure that personnel understand and use techniques necessary to preserve archaeological, geological, and biological resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lease shall also submit for review and approval a continuing technical environmental briefing program for supervisor and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3

(To be included only in the leases resulting from this sale for tracts BF–5, BF–8, BF–10, BF–13, BF–16, BF–22, BF–23, BF–25, BF–26, BF–27, BF–28, BF–29, BF–30, BF–31, BF–33, BF–34, BF–35, BF–37, BF–38, BF–39, BF–40, BF–41, BF–42, BF–43, BF–44, and BF–45).

In areas of less than 10 meters of water, after completion of the exploratory drilling phase, all structures will be removed from the lease area and the lessee will restore the site to a condition approved by the Supervisor unless said structure or site will be used in the production phase or for additional exploratory drilling or unless it is not in the best interest of the public or the environment to require removal or restoration. Authorization to leave said structure in place must be obtained from the Supervisor.

Stipulation No. 4

Solid waste disposal on artificial islands or in marine waters within the lease area is prohibited.

Stipulation No. 5

1. Piplines will be required (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designed management areas. In selecting the means of transportation, consideration will be given to any recommendation of any intergovernmental coordinating committee. All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storm and ice scouring, subfreezing conditions, and other hazards as determined on a case-by-case basis.

Following the development of sufficent pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor.

3. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391 A), as amended.

Stipulation No. 6

Discharge of drilling muds, cuttings, and produced waters into the marine waters is prohibited, except that the Supervisor may approve discharges in tracts (a) greater than 10 meters of water on a case-by-case basis and (b) in tracts of less than 10 meters of water if effluents are non-toxic. This evaluation will be made on a case-by-case basis.

Stipulation No. 7

If biological populations or habitats which may require additional protection are identified by the Supervisor in the leasing area, the Supervisor will require the lessee to conduct environmental surveys, as approved by the Supervisor, to determine the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The Supervisor shall provide written notice to the lessee of his decision to require such surveys. The nature and extent of any surveys will be determined by the Supervisor on a case-by-case basis.

Based on any surveys which the Supervisor may require of the lessee, or other information available to the Supervisor on special biological resources, the Supervisor may require the lessee to: (1) locate the site of such operation so as not to adversely affect the resource identified; (2) establish to the satisfaction of the Supervisor, on the basis of a site-specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist; (3) operate during those periods of time that do not adversely affect the biological resources as established by the Supervisor; and (4) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection.

The lessee agrees that, if any area of biological significance should be discovered during the conduct of any operations on the leased area, he shall immediately report such findings to the Supervisor, and make every reasonable effort to preserve and protect the biological resource from damage until the Supervisor has given the lessee directions with respect to its protection.

The lessee shall submit all data obtained in the course of such surveys to the Supervisor, with the locational information for drilling or other activity. The lessee may take no action that might result in any adverse effect on the biological populations or habitats surveyed, until the Supervisor provides written directions to the lessee, with regard to permissible actions.

Known special biological resources and their habitats include hard and rocky bottoms with kelp, bryozoans, sponges, coral, or other epibenthic communities. This stipulation will be invoked for the area known as the boulder patch and will apply to the following tracts: BF–36, BF–37, BF–38, BF–39, BF–40 and BF–41.

Stipulation No. 8

(Applies to disputed tracts only if the state of Alaska concurs).

The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)). The Director, Geological Survey, may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

Although the royalty rate specified in Sec. 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔ percent of the production saved, removed or sold from the lease area may be taken as royalty in amount (in kind), except as provided in Sec. 15(d) of this lease; the royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔ percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 9

Drilling and related activities will be limited during the exploratory phase to the period November 1 through March 31. This stipulation shall remain in effect for 2 years from issuance of the lease.

(The State of Alaska has not concurred with the application of this proposed stipulation to the disputed tracts. The State proposes that drilling and related activities be restricted through either a stipulation or operating order, to the period of November 1 through May 31, with an earlier shutdown upon two weeks notice if conditions warrant.

Stipulation No. 10

(To be included only in the lease resulting from this sale for tract BF–40.)

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed on the disputed portion of lease block 700. This will necessitate that all exploration for and development of oil or gas be performed from locations outside of the disputed portion of lease block 700.

14. *Information to Lessees.* Bidders are advised that all tracts will be leased subject to an "interim agreement" between the State of Alaska and the United States, entered into under the authority of Section 7 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1336, and Section 38.05.137 of the Alaska Statutes. The agreement will provide, among other things, that all sums payable to the Federal Government on account of a lease in the disputed area shall be paid into an interest-bearing escrow account until the jurisdictional dispute is resolved. It is also contemplated that the agreement provide for a stipulation in each lease in the disputed area which would require the lessee to pay an amount equal to accrued state taxes, plus interest, in the event that the area is later determined to belong to the State.

Bidders are advised that the Federal and the State governments are considering an agreement requiring a stipulation for use in each lease which will provide that pools or reservoirs underlying more than one lease can be developed only under an approved cooperative or unit agreement which includes all other leases which lie over the common reservoir. If such an agreement is reached, the details of the agreement will be provided in the final notice of sale.

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with Section 4(e) of the Outer Continental Shelf Lands Act, as amended 43 U.S.C. 1333(e).

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that for all onshore off-lease areas under State jurisdiction the following will be required by State or Federal laws and regulations:

Prior to the construction or placement of any onshore structure, road, or facility resulting from exploration, development, and/or production activities, an inventory shall be conducted of archaeological or historical sites within the area affected by a proposed activity.

Such inventory shall consider literature provided by the North Slope Borough and local residents; documentation of oral history regarding historic and prehistoric uses of such sites, evidence consultation with the Alaska Heritage Resources Survey and the National Register of Historic Places, and site surveys. The inventory shall also include a detailed analysis of the potential effects estimated to result from the proposed activity. The inventory shall be submitted to the Director, Division of Minerals and Energy Management, for distribution to the Director of the Division of Parks, and the North Slope Borough for purposes of review and comment. The Director of the Division of Parks and the North Slope Borough may request that the Director require salvage of archaeological and historical sites or relocation of proposed facilities.

In the event that an archaeological or historical site or area is adversely affected by an activity, documentation of such effects shall be submitted to the Director. The Director shall, after consultation with the Director of the Division of Parks and the North Slope Borough, direct the operator as to what course of action will be necessary to mitigate the adverse effect.

Bidders are advised that all lease activities and structures shall be scheduled and/or designed to allow free movement and safe passage to fish and mammals.

Bidders are advised that continuous fill causeways will be prohibited. Non-continuous fill causeways may be permitted when demonstrated to the satisfaction of the Supervisor and the Director, Division of Minerals and Energy Management, that the causeway is necessary for the development of the field and no other feasible and prudent alternative exists.

Bidders are advised that winter removal of fresh water or snow cover from rivers and natural lakes which support overwintering fish is prohibited by State laws, regulations, and policies. Therefore, the lessee will be responsible for ensuring that an adequate supply of water is available for winter use through development of such means as storage reservoirs and snow melting.

Bidders are advised that surface use will be controlled, as necessary, to prevent unreasonable conflicts with local subsistence harvests.

Bidders are advised that the State requires a 1,500-foot buffer zone to separate fresh water supplies or fish-producing streams, lakes, and marine areas from adjacent onshore sewage ponds or oil storage facilities. In cases where it can be demonstrated that a 1,500-foot buffer is not physically feasible or prudent, or that no alternative sites are available, exceptions may be granted by the appropriate State official. In all cases, the maximum possible separation will be required, but will not be greater than 1,500 feet.

Bidders are advised that borrow extraction from barrier islands is prohibited by the State. Borrow extraction from lagoons and nearshore areas will also be prohibited by the State unless substantial evidence is provided indicating that borrow excavation in these areas will not adversely affect the environment, particularly the maintenance of the lagoon/barrier island complex, and that no alternative sources exist.

Bidders are advised that the polar bear is protected under an International Treaty and the Marine Mammal Protection Act of 1972, and therefore, the lessee should contact the U.S. Fish and Wildlife Service regarding potential impacts of lease activities and possible mitigating measures to these impacts.

Bidders are advised that in the enforcement of Stipulations #3, #6, and #7, the Supervisor will receive recommendations from a biological task force composed of designated representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, the National Marine Fisheries Service, the Environmental Protection Agency, and the State of Alaska. It is intended that this task force will remain in existence throughout the operating life of the field. The Supervisor will consult with the task force on the conduct of the biological surveys by lessees, the appropriate course of action after the surveys have been conducted, and on the administration of the biological/environmental aspects of the above-mentioned Stipulations.

Bidders are advised that all structures erected on federal or disputed lands for the purpose of oil and gas exploration and production will be subject to the requirements of the platform verification program as specified in OCS Order No. 8. Because technology for structures in the transition (ice) zone has not been demonstrated in U.S. waters, particular attention will be given to structures proposed for water depths of 13 meters or more.

15. *OCS Orders.* Operations on all leases covered by this notice will be conducted in accordance with the provisions of applicable Arctic Area OCS Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

[FR Doc. 79-26006 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-84-M

Pending Receipt of Coral Application

Notice is hereby given that the Bureau of Land Management has advertised for a competitive procurement under Requests for Proposals Number AA51-RP9-10 covering collection operations leading to a study to assist in describing the biota of hard bottom communities. These operations will be conducted on the Georgia Embayment which is situated on the Outer Continental Shelf in the South Atlantic Area off the coasts of North Carolina, South Carolina, Georgia and Northern Florida.

It is not the purpose of this proposed scientific research program to collect coral. However, it is anticipated that coral specimens will inadvertently be damaged or taken during dredging and trawling operations. A rock dredge will be used. In view of the above, the party awarded the contract will be required to make application for a permit under 43 CFR 6224, Viable Coral Communities located on the Outer Continental Shelf.

A contract is expected to be awarded about September, 1979 and the sampling will be completed about September, 1980. Additional information regarding this proposed operation and pending application may be obtained during normal business hours at the New Orleans Outer Continental Shelf Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. However, any information designated as proprietary, and not subject to public inspection, may be excluded.

Notice is hereby given of this proposed dredging operation and interested persons may comment thereon by submitting written data, views or arguments to the Manager, New Orleans, OCS Office at the above address. All relevant comments received on or before September 24, 1979.

Dated: August 17, 1979.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

[FR Doc. 79-26016 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-84-M

Special Project Wilderness Inventory on 62,720 Acres of Public Land in Elko County, Nev.

The Bureau of Land Management's Elko, Nevada District Office has completed a special project wilderness inventory on about 62,720 acres of public land in southeastern Elko County and is recommending that the areas be released from further wilderness consideration because they lack wilderness characteristics specified by Congress.

The areas involved include wilderness units NV-010-040 (called the Dolly Varden unit) and NV-010-043 (called the Victoria unit). Both are located about 14 miles northeast of Currie, Nevada.

Public comments on the Bureau's recommendation will be accepted until Sept. 26, 1979. An open house to acquaint the public with the Bureau's findings and recommendations is scheduled for Sept. 7, between 1 and 3 p.m. at the BLM's Elko District Office, 2002 Idaho St., Elko, NV 89801.

A summary of the Bureau's findings on the two units follows: 1. NV-010-040 (Dolly Varden)—The Dolly Varden Unit contains about 26,880 acres of public lands. Only about 8,000 acres of the unit are in a natural condition. The other 18,880 acres contain roads, mining pits, shafts, and mining scrapes as well as powerlines and grazing improvements that are substantially noticeable. Although some portions of the unit could provide a high degree of solitude, the unit as a whole does not qualify as outstanding. Opportunities for primitive recreation are also not considered to be outstanding because they are affected by the large amount of man-made structures and disturbances.

2. NV-010-043 (Victoria)—The Victoria unit contains about 35,840 acres of public lands. Only about 11,000 acres of the unit are in a natural condition. The other 24,840 acres contain prospecting pits and other evidence of mining activities, roads, ways, communication equipment, and power lines that are substantially noticeable and detract from the natural character of the unit. The unit does not provide an outstanding opportunity for solitude due to the significant amount of noticeable man-made structures and disturbances in combination with the moderate level of topographic and vegetative screening. Primitive recreation opportunities are also not considered to be outstanding for the same reasons.

The special accelerated inventory was made at the request of Day Mines, Inc., which wants to expand a copper mine in the area.

Further information on the units involved and the Bureau's recommendations can be obtained from the BLM's Elko District Office (address noted earlier) or the Nevada State Office, 300 Booth St., Room 3008, Reno, NV 89509.

Dated: August 17, 1979.

Roger J. McCormack,

Acting State Director, Nevada.

[FR Doc 79-26205 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37981]

New Mexico; Application

August 15, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 14 S., R. 28 E.,
Sec. 11, SW¼NE¼ and NW¼SE¼.

This pipeline will convey natural gas across 0.311 of a mile of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-26206 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 28020]

Pipeline Application; Northwest Pipeline Corp.

August 16, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½" o.d. natural gas pipeline, approximately 1.24 miles long, across the following public lands in Garfield County:

Sixth Principal Meridan, Colorado

T. 7 S., R. 104 W.,
Sec. 34: SE¼NW¼, W½NE¼, N½SE¼.
Sec. 35: NW¼SW¼.

The proposed lateral pipelines will enable the applicant to convey natural gas from the Mitchell Energy Federal #1-34 and the Mitchell Energy Federal #1-35 wellheads to an existing Rocky Mountain Natural Gas Gathering System.

The purposes of this notice are: to inform the public that the Bureau of Land Managment will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Team Leader, Canon City-Grand Junction Team, Branch of Adjudication, Bureau of Land Managment, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Edward Koeteeuw,

Acting Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 79-26204 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-84-M

Utah; Call for Expression of Leasing Interest in Coal

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Call for Expression of Leasing Interest in Coal.

DATE: Responses to this notice may be received until October 26, 1979.

ADDRESS: Response should be sent to William G. Leavell, Acting State Director, Utah, University Club Building,

136 East South Temple, Salt Lake City, Utah 84111 Telephone (801) 524–5311.

FOR FURTHER INFORMATION CONTACT:

R. Max Nielson, Chief, Branch of Lands, Minerals & Recreation, Utah State Office, 136 East South Temple, Salt Lake City, UT 84111, Telephone (801) 524–5326.

S. Gene Day, District Manager, Moab, 125 West Second South Main, Moab, Utah 84532, Telephone (801) 259–6111.

Reed C. Christensen, Forest Supervisor, Manti-LaSal National Forest, 350 East Main Street, Price, UT 84501, Telephone (801) 637–2817.

In 44 FR 33976 published June 13, 1979, an advance notice of intent to call for expressions of interest in coal leasing was published. This notice is to advise you that the official call for expressions of leasing interest for the area acceptable for further consideration for coal leasing on the BLM San Rafael Planning Area and Wattis Planning Unit, and the Ferron-Price, National Forest Planning Unit is now in effect. Expressions of interest under this call may be submitted until October 26, 1979, to the Utah State Director, Bureau of Land Management at the above address.

Certain lands in the Manti-LaSal National Forest and the San Rafael BLM planning area included in this "Call for Expressions of Leasing Interest" are being studied for possible leasing by exchange to Utah Power and Light Company. This proposed exchange is authorized by Public Law 95–554. Although "Expressions of Leasing Interest" may be submitted for this land, the land will not be available for competitive leasing if the proposed exchange is approved. Information on the location of the land being studied for possible exchange is included in the detailed information available upon request from the Utah State Office and the Manti-LaSal National Forest offices at the address given above.

This call for expressions of interest is the first step in activity planning under the new coal mangement program. It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the application of the final unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be put up for lease sale after they have been through the tract ranking, selection, scheduling and analysis processes that are integral parts of the new coal management program. Accordingly a major purpose of this call for expressions of interest is to integrate potentail lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest. Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

The proposed tracts delineated as a result of this call will proceed into the ranking and selection process in accordance with the provisions of the 43 CFR 3400 Final Rulemaking, Coal Management.

These expressions of leasing interest should include the following data where applicable:

1. *Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.*

2. *Quality needs (types and grades of coal) for both producers and users.*

3. *Location.* a. Tracts desired by mining companies (narrative description with delineation on a surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. *Type of Mine.* a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

5. *Proposed Uses of Coal.* a. By mining companies.

b. By public and private industries.

6. *Where coal is consumed (include extra-regional markets).*

7. *Transportation Needs (i.e., railroads, pipelines, etc.).* a. Existing Facilities.

b. Proposed facilities and development timing.

8. *Available Sources of Coal.* a. Presently operative.

b. Contingency or other sources.

9. *Information Relating to Mineral Ownership.* a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee owners of associated non-Federal coal.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Maps and other detailed information on the area open for "Expression of Interest" and acceptable for further consideration for coal leasing may be obtained from the BLM or the Forest Service offices also listed above.

An informational open house will be held to discuss the submission requirements of this call on Thursday, September 6, 1979, from 1–4 p.m., at the BLM Price Area Office, 900 North 7 East Street, Price, Utah.

Dated: August 16, 1979.

William G. Leavell,

Associate Stae Director.

[FR Doc. 79–26017 Filed 8–22–79; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

[Int FES 79–34]

Environmental Impact Statement; Availability of Final Statement Caballo Mine, Campbell County, Wyo.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on the proposed Caballo surface coal mining operation by the Carter Mining Company in Campbell County, Wyoming. The final statement assesses the environmental impacts of the lessee's plan for the surface mining of federally owned coal and the concurrent reclamation and revegetation of surface lands. The proposed action is on Federal coal leases W–3397 and W–49644, located 10 miles (15 km) southeast of Gillette, Wyoming, in Campbell County.

The mining and reclamation plan contained in this statement was submitted for review prior to the revision of the 30 CFR Part 211 regulations (43 FR 37181 *et seq.*, August 22, 1978), which incorporated the initial regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This plan was also submitted prior to the April 12, 1979, effective date of the permanent regulatory program on Federal lands under SMCRA, 30 CFR Subchapter D, 44 FR 15332, March 13, 1979. Thus, the mine plan has not been reviewed for compliance with the applicable requirements of SMCRA and

implementing regulations. Prior to making any decision on approval of the mining and reclamation plan, the Office of Surface Mining Reclamation and Enforcement (OSM) will perform a technical review for compliance with SMCRA and the applicable regulations. Once the mine plan conforms to the applicable requirements of those authorities, OSM will evaluate whether this final environmental impact statement is adequate for mine plan approval action or whether a supplement or other environmental documents need to be prepared and distributed.

Comments received on the draft environmental statement during the comment period were considered in the preparation of the final environmental statement and are reproduced in the appendix.

The proposed mining and reclamation plan assessed in this statement was one of the mining proposals identified in the preparation of the regional analysis (Part I) of the Department's final environmental statement, FES 74–55, entitled "Proposed Development of Coal Resources in the Eastern Powder River Coal Basin in Wyoming," which was filed with the Council on environmental Quality on October 18, 1974. Public hearings on the draft of the FES 74–55 statement were held as follows: June 24–25, 1974, at Cheyenne, Wyo.; June 26, 1974, at Casper, Wyo.; and June 27–28, 1974, at Gillette, Wyo.

The final environmental impact statement is available for public review in the U.S. Geological Survey Library, 1526 Cole Blvd., Golden Colo.; the U.S. Geological Survey Library, Room 4A100, National Center, Reston, Va.; the Converse County Library, 300 Walnut St., Douglas, Wyo.; the George Amos Memorial Library, 412 South Gillette Ave., Gillette, Wyo.; the Library of Natrona County, 307 East Second, Casper, Wyo.; and the State Library, State of Wyoming, Supreme Court Bldg., Cheyenne, Wyo.

A limited number of copies are available on request from the U.S. Geological Survey, Land Information and Analysis Office, Federal Center, Stop 701, Denver, Colo. 80225.

Dated: August 20, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 79-26157 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Golden Gate National Recreation Area; Notice of Intent

AGENCY: Department of the Interior, National Park Service, Golden Gate National Recreation Area.

ACTION: Notice of Intent.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that five meetings of the Golden Gate National Recreation Area Advisory Commission will be held during Sept.–Oct., 1979. The major item on the agenda is to receive public comment to the General Management Plan for Golden Gate National Recreation Area and Point Reyes National Seashore.

Prior to and concurrent with these public meetings will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals. These meetings and consultations will allow the Advisory Commission and the National Park Service to hear comments from individuals and organizations on the General Management Plan for Golden Gate National Recreation Area and Point Reyes National Seashore. This involvement of the public is an important step toward the arrival at a General Management Plan that will guide the preservation and use of these two national park areas.

DATES AND ADDRESSES:

September 25, 1979, 7:30 p.m., Fort Mason, Tuesday Evening, at Golden Gate National Recreation Area Headquarters, Building 201, Fort Mason, San Francisco, CA.

September 29, 1979, 9:30 a.m., Saturday Morning, at Golden Gate National Recreation Area Headquarters, Building 201, Fort Mason, San Francisco, CA.

October 4, 1979, 7:30 p.m., St. John's Presbyterian Church, Berkeley, Thursday Evening, (2727 College Ave., Berkeley).

October 9, 1979, 7:30 p.m., Tamalpais High School, Tuesday Evening, Tam High School Student Center, Miller Ave. and Camino Alto Road, Mill Valley, CA.

October 13, 1979, 9:30 a.m., West Marin School, Hwy. 1, Point Reyes Station, CA.

National Park Service staff will be available to answer questions for one hour immediately preceeding each of the workshops.

FOR FURTHER INFORMATION CONTACT: Lynn H. Thompson, General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123, telephone 415 556–2920.

SUPPLEMENTARY INFORMATION: The meetings will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Minutes of the meeting will be available for public inspection within 45 days of each meeting in the Office of the General Superintendent, Golden Gate National Recreational Area, Fort Mason, San Francisco, CA.

The advisory Commission established by Public Law 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park system in Marin and San Francisco counties. Members of the Advisory Commission are as follows:

Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Frank Boerger
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Josephn Mendoza
Ms. Amy Meyer
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

Dated: August 15, 1979.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc 79-26224 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[516 DM 1-6]

National Environmental Policy Act Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Notice of proposed revised procedures for the Heritage Conservation and Recreation Service.

SUMMARY: This notice proposes a Bureau appendix to the Department's NEPA procedures for the Heritage Conservation and Recreation Service. The proposed Departmental procedures were published in the **Federal Register** on July 10, 1979 (44 FR 40436).

DATE: Comments due September 17, 1979

ADDRESS: Comments to: Larry E. Meierotto, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director, Office of Environmental Project Review, Office of the Secretary, Departmental of the Interior, Washington, DC 20240, Telephone: (202) 343–3891.

For Heritage Conservation and Recreation Service, contact Harold Green, Telephone (202) 343-7962.

SUPPLEMENTARY INFORMATION: This proposed Appendix to the Departmental Manual (516 DM 6) provides more specific NEPA compliance guidance to the Heritage Conservation and Recreation Service (Appendix 4). In particular it provides information about Service organizational responsibilities for NEPA compliance, advice to applicants, actions normally requiring the preparation of an environmental statement, and categorical exclusions. The appendix should be taken in conjunction with the proposed Departmental procedures (516 DM 1-6) which were published in the **Federal Register** on July 10, 1979 (44 FR 40403). In addition, the Service will prepare a handbook(s) or other technical guidance on how to apply these procedures to its principal programs.

Other bureau appendices will be published as notices during the next few weeks for 30-day public comment.

Comments on this proposed appendix (516 DM 6, Appendix 4) are invited. To be considered in the preparation of the final appendix, comments must be received by September 17, 1979.

Dated: August 17, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

Heritage Conservation and Recreation Service

4.1 *Responsibilities for Environmental Matters.*

A. *Washington Office.* The Director is responsible for the overall management and guidance of HCRS environmental involvement. The Associate Director, the Deputy Director for Planning, and the Deputy Director for Programming are responsible for general environmental guidance and compliance in their areas of responsibility. In addition, the Deputy Director for Programming is responsible for overall environmental planning, environmental policy guidelines, and instructions. The Division of Environmental and Compliance Review, which reports to the Deputy Director for Programming, is responsible for internal control of both environmental reviews and environmental statements and assessments prepared by various units of HCRS. The Division also is responsible for (1) preparing appropriate HCRS environmental procedures, guidelines, and instructions and (2) furnishing technical assistance in environmental matters to other HCRS units.

B. *Regional and Area Offices.* Regional and Area Directors are responsible for overall management and guidance of HCRS environmental comliance procedures within their areas of jurisdiction.

C. *NEPA Contacts.* Information needed by applicants and others, including the status of an EIS or other element of the NEPA process on HCRS actions, can be obtained by contracting the Chief, Division of Environmental and Compliance Review, Room 338, Heritage Conservation and Recreation Service, 440 G Street, NW, Washington, DC 20243, telephone number 202-343-7962, FTS 8-343-7962.

Or

Regional Environmental Officer—Heritage Conservation and Recreation Service

Northeast: William J. Green Federal Office Building, Room 9310, 600 Arch Street, Philadelphia, Pennsylvania 19106. Phone: 215-597-799, FTS 8-597-7990.

Southeast: Richard B. Russell Federal Building, 75 Spring Street, Atlantia, Georgia 30303. Phone: 404-221-4405, FTS 8-242-4405.

Lake Central: Federal Building, Ann Arbor, Michigan 48107. Phone: 313-668-2023, FTS 8-378-2023.

Midcontinent: Denver Federal Center, P.O. Box 25387, Denver, Colorado 80225. Phone: 303-234-6462, FTS 8-234-6462.

South Central: 5000 Marble, N.E., Room 211, Albuquerque, New Mexico 87110. Phone: 505-766-3515, FTS 8-474-3515.

Northwest: Federal Building, Room 990, 915 Second Avenue, Seattle, Washington 98174. Phone: 206-442-4706, FTS 8-399-4706.

Pacific Southwest: 450 Golden Gate Avenue, San Francisco, California 94102. Phone: 415-556-0182, FTS 8-556-0182.

Alaska Area Office: 1011 E. Tudor, Suite 297, Anchorage, Alaska 99503. Phone: 907-277-1666, FTS 8-399-0150. (Call FTS number and ask operator for commercial number.)

4.2 *Guidance to Applicants.*

A. HCRS can allow agencies of statewide jurisdiction which are seeking HCRS funding or other assistance to prepare related environmental impact statements or assessments pursuant to the provisions of NEPA Sec. 102(2)(D).

B. The following program guidelines and regulations list environmental requirements which applicants must meet: Part 650 Land and Water Conservation Fund grants manual; 36 CFR Part 1207, "The Secretary of the Interior's Standards for Historic Preservation Projects"; 36 CFR Part 1228, "Rules and Regulations, Urban Park and Recreation Recovery Program".

4.3 *Major Decision Points Normally Requiring an EIS.* None.

4.4 *Categorical Exclusions.* In addition to the actions listed in the Departmental Categorical Exclusions outlined in Appendix 1 of 516 DM 2, many of which the Heritage Conservation and Recreation Service also performs, the following HCRS actions are designated as categorical exclusions when they meet the criteria outlined in 516 DM 2.3A:

A. Routine annual budget preparation and submission, personnel actions, and other internal management functions, together with preparation of routine internal surveys, studies, reports, and similar documents used in evaluating effectiveness or extent or HCRS activities. Examples: Preparing regular Regional reports to the Director; maintaining grants-in-aid status reports; listing progress in the HCRS program promoting cooperative recreation management of areas under the under the jurisdiction of the Department of Defense.

B. Funding of proposed non-Federal actions which replaces, or renovates, facilities at their same location without altering the existing setting or the kind and amount of recreation or cultural opportunities. These actions use moneys from the Land and Water Conservation Fund, the Historic Preservation Fund, or the Urban Park and Recreation Recovery Fund. Examples: Resurfacing tennis courts; restoring the interior of a historic home; removing an architecturally incompatible addition to a historic structure; replacing and upgrading playground equipment; improving the lighting system of an indoor recreation structure.

C. Funding for construction or rehabilitation work on existing non-Federal properties which is required to meet health, safety, and handicapped regulations if the work will not increase overall volume of public use of the properties. Examples: Improving sanitary systems or bathhouses; adding ramps to provide wheelchair access.

D. Funding for construction of new facilities within an existing recreation, historic, archeological, or natural area if the new facilities will not increase public use of the area; introduce motorized recreation vehicles; introduce active recreation pursuits into a passive recreation area; or cause a nuisance to adjacent property owners or occupants. Examples: Installing paths to public facilities; installing picnic shelters designed for single family use; planting hedgerows to screen out unsightly adjacent areas; installing underground lawn sprinkling systems; installing fencing to guide or redirect foot or vehicular traffic or to provide security.

E. Providing technical assistance in historic and archeological preservation, recreation, or natural area preservation to other Federal, State, and local agencies and to the general public.

F. Preparing routine reports required by low or regulation. Examples: Report on the Golden Eagle recreation permit system to the Congress; report on the status of properties disposed of for park and recreation purposes pursuant to the provisions of Federal Surplus Properties legislation.

G. Preparation of surveys, studies, reports, and similar documents which do not recommend, propose, prescribe, or proscribe future actions of uses of financial or personnel resource. Examples are statistical reports such as those listing income variations of professional personnel engaged in heritage conservation work; surveys to gather data on existing conditions, such as determining the number, acreage, and visitor volume at recreatioin or historic areas; and analytical studies, such as those which try to develop rule-of-thumb formulas for estimating visitor carrying capacity of public areas.

H. Preparation of reports, plans, studies, and other documents containing recommendations for action which HCRS develops preliminary to the process of preparing a specific proposal or set of alternatives for decision (See 40 CFR 1508.23). Example: An internal Task Force recommended a number of criteria for HCRS to follow in determining eligibility for Urban

Park and Recreation Recovery Program grants-in-aid. Subsequently, Urban Program officials discarded several of the recommendations and forwarded the remainder to the HCRS Directorate, which accepted some and rejected others. The first part of this section, the part involving the work group, meets the requirements for categorical exclusion from environmental documentation because it took place prior to development of a proposal within the meaning of 40 CFR 1508.3.

I. Identifying, nominating, or listing properties on the National Register of Historic Places if the action does not result in one or more of the following: (1) Changes in the existing setting; (2) increases in visitation which might compromise the nature and character of the property or cause physical damange to it; (3) institution of noncompatible uses which might compromise the nature and characteristics of the property, or cause physical damage to it; and (4) effects on adjacent properties which would be environmentally adverse.

[FR Doc 79-26021 Filed 8-22-79; 8:45 am]

BILLING CODE 4310-10-M

LEGAL SERVICES CORPORATION

Grants and Contracts

August 21, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007 (f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project* * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Greater Boston Legal Services in Boston, Massachusetts to serve Winthrop, Massachusetts.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, Massachusetts 02101.

Dan J. Bradley,

President.

[FR Doc. 79-26249 Filed 8-22-79; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Meeting

August 20, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 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, DC 20506:

1. Date: September 7, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 500.
Purpose: To review Summer Seminar applications in English and American Literature submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

2. Date: September 10, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in American History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

3. Date: September 14, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Music submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

4. Date: September 14, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 500.
Purpose: To review Summer Seminar applications in Comparative Literature, Drama, Theory submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

5. Date: September 15, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Philosophy & Linguistics submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

6. Date: September 17, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Anthropology & Sociology submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

7. Date: September 17, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 500.
Purpose: To review Summer Seminar applications in German & Slavic submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

8. Date: September 20, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Classics submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

9. Date: September 21, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Romance Languages submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

10. Date: September 21, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 500.
Purpose: To review Summer Seminar applications in Film, Composition and Rhetoric, American Studies submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

11. Date: September 22, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Religion & Science, Technology & Human Values submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

12. Date: September 24, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Political Science submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

13. Date: September 28, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in Art History submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

14. Date: September 29, 1979.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Purpose: To review Summer Seminar applications in European History & Area Studies 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 NW., Washington, DC 20506, or call 202–724–0367.

Stephen J. McCleary,

Advisory Committee.

[FR Doc. 79-26231 Filed 8-22-79; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL COMMISSION ON AIR QUALITY

Establishment of Panel To Review Benefit Estimation Methodology

The National Commission on Air Quality (NCAQ), a legislative Commission established to examine the Clean Air Act and make recommendations to Congress regarding the law, invites nominations of individuals to prepare papers and/or participate in a benefit estimation conference established as part of the Commission's studies. A number of papers will be prepared to critique the data bases and econometric techniques used in major studies of the benefits from improvements in air quality.

The conference will review and evaluate key contributions to the field of benefits estimation of environmental quality programs dealing with air pollution. Although most existing studies focus on air and water pollution, the participants should also consider relevant information from studies of toxic substances, noise control, solid waste disposal, and the control of radiation. In the analysis the participants should:

A. Develop a set of categories which describe the principal methodological differences among the studies. In particular, describe how the studies differ with respect to:

1. the time period being considered;
2. the assumed level or levels of control;
3. the data bases, e.g., the techniques and assumptions used, sample selection techniques, treatment of migration, occupational exposure;
4. the methods of valuation of benefits;
5. the assumpitons concerning marginal damage functions, e.g., estimation of damages away from sample mean, linearity, dose response, functions;
6. the extent to which non-air pollution variables are considered;
7. how the method handles the synergistic relationships between:
   a. different pollutants;
   b. different source types (mobile versus stationary);
8. the accuracy of estimates and the reasons for those differences.

B. Estimate the most likely range of current total national annual benefits from achieving NAAQS.

1. a detailed description of how these figures were determined;
2. a "best" estimate within this range;
3. a discussion of the reasons supporting the "best" estimate.

C. Identify new areas of methodological problems in benefit estimation.

1. extension or improvement of existing studies—in particular, what improvements are possible in handling latency and stochastic problems;
2. extrapolation of local estimates;
3. major unexplored areas, e.g., psychological benefits, benefits from the control of toxics.

D. Develop a methodology for incorporating benefit estimation in the NCAQ analyses in the Plan of Study including those relating to:

1. NAAQS;
2. Nonattainment areas;
3. PSD areas;
4. Alternative institutional approaches for air pollution control;
5. Macroeconomic studies;
6. Other areas.

E. Consider other relevant factors decided upon by the participants and the Project Officer.

Nominations for the Conference

Nominations for the Benefit Estimation Conference should be submitted within 20 days of this notice to: Gordon L. Brady, National Commission on Air Quality, 499 South Capitol Street, S.W., Second Floor, Washington, D.C. 20003.

Professional qualifications preferably including a list of publications and work performed under contract, should accompany all nominations. Qualified nominees should have a demonstrated expertise in health effects studies and/or econometric estimation techniques.

Participants will be expected to attend at least one 2-day meeting (probably in mid-December). One or more participants may be called upon to report on the conclusions of the panel to the full Commission or the Commission's Research Committee.

Comments on Issues

NCAQ recognizes that many individuals and groups have particular issues and perspectives that should be considered at the Benefit Estimation Conference. To accommodate these issues and perspectives, NCAQ solicits written position and/or background statements from interested individuals or groups. Three copies of these statements should be sent to the address listed above on or before September 24, 1979.

National Commission on Air Quality.

Morris A. Ward,

Assistant Director, Public Affairs and Administration.

[FR Doc. 79-26022 Filed 8-22-79; 8:45 am]

BILLING CODE 6820-98-M

Establishment of Panel To Review Cost Estimation Methodology

The National Commission on Air Quality (NCAQ), a legislative Commission established to examine the Clear Air Act and make recommendations to Congress regarding that law, invites nominations of individuals to prepare papers and/or participate in a cost estimation conference established as part of the Commission's studies. A number of papers will be prepared to critique the data bases and estimation techniques used in major studies of the costs of pollution abatement activities.

The conference will review and evaluate key contributions to the field of costs estimation of environmental quality programs dealing with air pollution. Although most existing studies focus on air and water pollution, the participants may also consider relevant information from studies of toxic substances, noise control, solid waste disposal, and the control of radiation. In the analysis the participants should:

A. Develop a set of categories which describe the principal methodological differences among the studies, and in particular, describe how the studies differ with respect to:

1. the time period being considered;
2. the assumed level or levels of discharge reduction;
3. the data bases, e.g., the techniques and assumptions used, sample techniques;
4. the methods of determining the incremental cost of abatement;
5. the assumptions concerning the incremental capital cost of abatement. This category considers technology, capital- or labor-intensity, spatial distribution of production, size relative to optimal size for achieving minimum unit costs in production, and capacity utilization rates;
6. the assumptions made about the prices of various relevant factor inputs;
7. the assumptions made about water pollution controls;
8. the methodology for assessing the effect on net resource costs to the firm from the market structure of demand, i.e., the spatial dimension of the market and substitutes for the product;
9. the methodology for assessing the effect on net resource costs to the firm from the competitive structure, i.e., whether the industry has a competitive, oligopolistic, or monopolistic structure;
10. the extent to which international or interregional trade impacts were considered;

11. the extent to which differences in dependence on public sector policies were considered in determining net resource cost;

12. the methodologies used to account for difference in taxation, regulatory policies, tariff or import policy, research and development, land-use controls, land-leasing policy, resource development, and government contracting;

13. the methodologies used to determine the cost of:

• administrative, monitoring, and enforcement costs of local, state, and Federal air pollution control agencies;

• litigation expenses by sources and control agencies at the local, state, and national level.

In addition, each panel member will be asked to discuss the strengths and weaknesses of the methodologies used and estimate the accuracy of the conclusions reached in the study(ies) reviewed.

B. Propose recommendations for improvements which may be made to the methodologies used in the study(ies) reviewed.

Prior to the workshop, each of the reviews will be supplied to other panel members. Each of these members will be asked to critique the papers prepared by the major reviewers. At the workshop the major emphasis will be placed on attempting to develop consensus on an acceptable approach or methodology for assessing costs to sources or costs of regulatory programs. To the extent the major conceptional approaches are agreed upon, details to implement these approaches will be developed by the NCAQ staff. During this process key panel members will be consulted to assure consistency with the agreed concepts.

Nominations for the Conference

Nominations for the Cost Estimation Conference should be submitted within 20 days of this notice to: Gordon L. Brady, National Commission on Air Quality, 499 South Capitol Street, S.W., Second Floor, Washington, D.C. 20003.

Professional qualifications, preferably including a list of publications and work performed under contract, should accompany all nominations. Qualified nominees should have a demonstrated expertise in health effects studies and/or econometric estimation techniques.

Participants will be expected to attend at least one two-day meeting (probably in mid-December). One or more participants may be called upon to report on the conclusions of the panel to the full Commission or the Commission's Research Committee.

Comments on Issues

NCAQ recognizes that many individuals and groups have particular issues and perspectives that should be considered at the Cost Estimation Conference. To accommodate these issues and perspectives, NCAQ solicits written position and/or background statements from interested individuals or groups. Three copies of these statements should be sent to the address listed above on or before September 24, 1979.

National Commission on Air Quality.

Morris A. Ward,

Assistant Director, Public Affairs and Administration.

[FR Doc. 79-26023 Filed 8-22-79; 8:45 am]

BILLING CODE 6820-98-M

NUCLEAR REGULATORY COMMISSION

[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); Notice of Further Resumption of Evidentiary Hearing

August 17, 1979.

Please take notice that the evidentiary hearing in the above-captioned case (originally announced at 44 FR 23136, April 18, 1979) will resume again on Monday, September 10–14, 1979 at the Nuclear Regulatory Commission Hearing Room, located at 4350 East-West Highway, 5th Floor, Bethesda, Maryland 20014, commencing at 8:30 a.m., local time.

It is so ordered.

Dated at Bethesda, Maryland this 17th day of August 1979.

For the Atomic Safety and Licensing Board,

Marshall E. Miller,

Chairman.

[FR Doc. 79-26193 Filed 8-22-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-522, 50-523]

Puget Sound Power & Light Co., et al., (Skagit Nuclear Power Project Units 1 and 2); Resumption of Hearing

This confirms the Board's determination at the previous hearing session (originally announced at 44 FR 40739, July 12, 1979) that further hearings are scheduled to begin on Monday, August 27, 1979, at 9 a.m., in Room 3086, New Federal Building, 915 Second Avenue, Seattle, Washington.

Done on this 17th day of August 1979 at Washington, D.C.

Atomic Safety and Licensing Board,

Valentine B. Deale,

Chairman.

[FR Doc. 79-26195 Filed 8-22-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on September 6–8, 1979, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published on July 26, 1979 (44 FR 43822).

The agenda for the subject meeting will be as follows:

Thursday, September 6, 1979—8:30 A.M.–12:00 Noon: Executive Session (Open)

The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will hear and discuss the report of its Subcommittee on the review of Licensee Event Reports submitted by the operators of commercially licensed nuclear power plants during the period of 1976–78.

The Committee will discuss the status of action being taken to evaluate systems interactions at the Zion Nuclear Station and Indian Point Nuclear Plant Unit 3.

1:00 P.M.–2:00 P.M.: Meeting with Stone and Webster Engineering Corporation (Open)

The Committee will hear and discuss comments from representatives of the Stone and Webster Engineering Corporation regarding the seismic design of nuclear power plant systems.

Portions of this session will be closed as necessary to discuss Proprietary Information.

2:00 P.M.–3:00 P.M.: Meeting on Nuclear Operations Institute (Open)

Representatives of the Atomic Industrial Forum Policy Committee on Follow-up to the Three Mile Island Accident will brief the Committee regarding the proposed activities of the Nuclear Operations Institute.

3:00 P.M.–6:00 P.M.: Executive Session (Open)

The Committee will hear and discuss the report of its Subcommittee Chairman and consultants who may be present regarding a proposed plan of action to review and evaluate the status of generic items applicable to light-water, nuclear reactors which were listed in ACRS Report No. 7 dated March 21, 1979.

Friday, September 7, 1979—8:30 A.M.–12:30 P.M.: Three Mile Island Unit 2 Accident Implications (Open)

The Committee will discuss underlying causes which may have contributed to the accident which occurred at the Three Mile Island Nuclear Station Unit 2.

1:30 P.M.–6:30 P.M.: Executive Session (Open)

The Committee will hear and discuss a report by the NRC Staff regarding the implications of the accident which occurred at the Three Mile Island Nuclear Plant Unit 2. Proposed ACRS recommendations to the Nuclear Regulatory Commission regarding implications of the accident which occurred at the Three Mile Island Nuclear Station, Unit 2 will also be discussed.

The Committee will discuss the proposed scope and organization of its annual report to Congress on the NRC Safety Research Program.

Saturday, September 8, 1979—8:30 A.M.–3:30 P.M.: Executive Session (Open)

The Committee will discuss proposed ACRS comments and recommendations regarding the implications of the accident which occurred at Three Mile Island 2 on March 28, 1979, and its proposed report to the NRC regarding evaluation of Licensee Event Reports.

The Committee will discuss proposed activities related to the development of quantitative risk criteria for nuclear facilities.

The Committee will discuss proposed resolution of Anticipated Transients Without Scram for Boiling Water Reactors.

The Committee will discuss its schedule for future activities and the activities of individual members.

Portions of this session will be closed as necessary to discuss Proprietary Information and to protect information the release of which would represent an unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 4, 1978 (44 FR 45926). In accordance with these procedures, oral or written statments may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Excutive Director (R. F. Fraley) prior to the meeting.

I have determined in accordance with Subsection 10(d) P.L. 92–463 that it is necessary to close portions of this meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)) and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–1371), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: August 20, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 70–26191 Filed 8–22–79; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published July 26, 1979 (44 FR 43822). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the September 1979 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EDT.

Subcommittee and Working Group Meetings

**Emergency Core Cooling System,* August 27–28, 1979, Idaho Falls, ID. The Subcommittee will review NRC Research Programs on LOFT, Semiscale, BEACON, and RELAP. Notice of this meeting was published August 10, 1979 (44 FR 47191).

**Waste Management,* August 28–29, 1979. Rescheduled for September 18–19, 1979, Washington, DC. Notice of this meeting was published July 26, 1979 (44 FR 43822).

**Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design,* September 5, 1979, Washington, DC. The Ad Hoc Subcommittee will discuss implications of the accident including the long-term recommendations of the Lessons Learned Task Force. Notice of this meeting was published August 21, 1979.

**Reliability and Probabilistic Assessment,* September 11–12, 1979, Los Angeles, CA. The Subcommittee will discuss the concept of establishing quantitative safety goals for nuclear power reactors, the development of a status report concerning nuclear power plant component failure rates, and a review of the NRC Probabilistic Analysis Staff's research program to develop information for the ACRS Annual Report to Congress on the NRC Safety Research Program.

**Fluid Dynamics,* September 13–14, 1979, Los Angeles, CA. The Subcommittee will discuss with representatives of the NRC Staff and their consultants, General Electric, and the Mark I and II BWR Owners Group, NRC's acceptance criteria for the long-term operation of Mark I containments and the resolution of items related to the Mark II containment.

**Waste Management,* September 18–19, 1979, Washington, DC. The Subcommittee will review NRC Waste Management Research Programs in terms of their goals, budgets, and priorities.

**Three Mile Island, Unit 2 Accident Bulletins and Orders,* October 2, 1979, tentative, Washington, DC. Agenda to be announced.

**Three Mile Island, Unit 2—Implications Re Nuclear Power Plant Design,* October 2–3, 1979, Washington, DC. Ad Hoc Subcommittees will discuss the implications of this accident as they relate to: 1) The Diablo Canyon Nuclear Generating Station and boiling-water reactors that are expected to receive operating licenses in the near-term (Zimmer and La Salle), and 2) Westinghouse Ice Condenser/Upper Head Injection (UHI) Plants that are

expected to receive operating licenses in the near-term (Sequoyah and McGuire).

**Regulatory Activities,* October 3, 1979, Washington, DC. The Subcommittee will review regulatory guides and revisions to existing regulatory guides: also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation.

**Three Mile Island, Unit 2,* October, 1979, precise date to be announced, Washington, DC. The Subcommittee will review the NRC Inspection and Enforcement Report (NUREG 0600) pertaining to the Three Mile Island, Unit 2 Accident.

**Emergency Core Cooling Systems (ECCS),* October, 1979, precise date to be announced, Washington, DC. The Subcommittee will review material submitted by Westinghouse on a spectrum of small break ECCS calculations, and the Three Mile Island, Unit 2 Accident implications regarding the Westinghouse small break model.

**Reactor Safety Research,* November 6, 1979, Washington, DC. The Subcommittee will discuss the preparation of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program.

**Regulatory Activities,* November 7, 1979, Washington, DC. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation.

**Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design,* November 7, 1979, Washington, DC, tentative. Agenda to be announced.

**Extreme External Phenomena,* November 15–16, 1979, Los Angeles, CA. The Subcommittee will discuss the NRC-sponsored Seismic Safety Margins Research Program.

**Advanced Reactors,* November 29–30, 1979, Albuquerque, NM. The Subcommittee will discuss the NRC-sponsored research at Sandia and LASL on the safety of advanced reactors.

**Reactor Safety Research,* December 4, 1979, Washington, DC. The Subcommittee will continue its discussion regarding the preparation of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program.

ACRS Full Committee Meetings

September 6–8, 1979

A. *Three Mile Island Nuclear Station, Unit 2 Accident—Review of underlying causes and implications.

B. *Licensee Event Reports—Review of LERs for the period 1976–1978.

C. *Resolution of generic matters applicable to light-water reactors.

D. *Reactor Safety Research Program—ACRS Annual Report to Congress.

E. *Zion Nuclear Station—Evaluation of LERs.

F. *Seismic design of nuclear power plant piping—combination of loads.

G. *Nuclear Safety Criteria—Quantitative Safety Criteria.

H. *Anticipated Transients Without Scram—resolution for boiling-water reactors.

I. *Nuclear power plant operations—proposed Nuclear Operations Institute.

October 4–6, 1979

Agenda to be announced.

November 8–10, 1979

Agenda to be announced.

Dated: August 20, 1979.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 79-26192 Filed 8-22-79; 8:45 am]

BILLING CODE 7590-01-M

Memorandum of Understanding Between the Nebraska Department of Environmental Control and the United States Nuclear Regulatory Commission

The Commission, in mid-January 1976 adopted the policy of entering into agreement with States that have been delegated responsibility by EPA for issuance of National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Federal Water Pollution Control Act.

Although considerable latitude is provided, generally such agreements embody the principles of the Second Nuclear Regulatory Commission-Environmental Protection Agency Memorandum of Understanding (NRC/EPA) (FR Vol. 40, No. 251, p 60115 ff, December 31, 1979) for cooperation in the licensing of nuclear power plants.

To date, six such agreements have been consummated. Three, those with Virginia, New York, and South Carolina were published in the **Federal Register,** Vol. 43, No. 88, p 19485 ff, on May 5, 1978. The fourth, with the State of Washington, was published in the **Federal Register,** Vol. 43, No. 188, p 43774 ff, on September 27, 1978. The fifth, with the State of Indiana, was published in the **Federal Register,** Vol. 43, No. 251, p 61053 ff, on December 29, 1978. The sixth is entitled "Memorandum of Understanding between the Nebraska Department of Environmental Control and the U.S. Nuclear Regulatory Commission pursuant to the Federal Water Pollution Control Act, as amended (FWPCA)." It calls for the State and the NRC to cooperate and share information as each moves forward in its decisionmaking process for a nuclear facility. The new procedures are intended to ensure that water quality and biota impacts are considered early and will be less likely to result in significant changes in plant design, or costs and benefits of operation, following the NRC staff's environmental review. The Memorandum became effective on August 2, 1979; the text is published below.

In order to avoid confusion in terminology between general and water quality agreements with States and those agreements under section 274b of the Atomic Energy Act wherein the State assumes certain materials licensing responsibility, and new general or water quality instrument will hereafter be called a Memorandum of Understanding as is the NRC/EPA instrument.

FOR FURTHER INFORMATION CONTACT:

Frank W. Young, Office of State Programs, telephone 301–492–7794, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 16th day of August, 1979.

For the Nuclear Regulatory Commission.

Robert T. Jaske,

Acting Director, Office of State Programs.

Memorandum of Understanding Between the Nebraska Department of Environmental Control and the U.S. Nuclear Regulatory Commission Pursuant to the Federal Water Pollution Control Act as Amended (FWPCA)

The State of Nebraska (hereafter the "State") is a permit issuing State under Section 402 of the Federal Water Pollution Control Act, as amended (FWPCA). As such the State is not directly affected by the "Second Memorandum of Understanding Regarding Implementation of Certain Nuclear Regulatory Commission and Environmental Protection Agency Responsibilities Under the Federal Water Pollution Control Act as amended (FWPCA) and the National Environmental Policy Act of 1969." However, the State agrees with the principles embodied in that Memorandum and wishes to cooperate with the U.S. Nuclear Regulatory Commission (hereafter "NRC") in implementing those principles.

Specifically, these cooperative efforts will extend to requirements for the control and consideration of impacts on water quality and biota associated with the licensing and regulation including early site approval [1] of the following facilities within the State:

[1] See 10 CFR Part 2, Subpart F and Appendix A, Paragraph I(c).

a. nuclear power and test facilities,
b. nuclear fuel reprocessing facilities,
c. uranium isotope enrichment facilities,
d. nuclear fuel fabrication plants, and
e. nuclear waste treatment, storage and disposal facilities.

1. Without relinquishing existing statutory authority, the State and NRC will cooperate to identify and consolidate the environmental information needed for early evaluation related to impacts on water quality and biota under the FWPCA. The objective should be that the scope, form and timeliness of the information to be submitted by the applicant will satisfy the requirements of both the State and NRC, recognizing the final responsibility of the State for the same under FWPCA. This information will include that needed for issuance of State water quality certifications pursuant to Section 401 and NPDES permits pursuant to Section 402. It shall also include, where applicable, Section 316(b) considerations regarding best available technology as applied to cooling water intake structures and Section 316(a) determinations regarding the granting of alternative effluent limitations for the thermal component of discharges, as well as information needed to evaluate the environmental impact of the facility based on compliance with FWPCA requirements.

2. The State and NRC will meet, as appropriate, at an early time prior to and/or during the environmental review process for each facility or plant subject to this Memorandum to discuss potential impacts on water quality and biota.

3. (a) The State will exercise its best efforts to evaluate the levels of discharges and impacts on water quality and biota pursuant to Section 402 and 316 (a), as apprpriate, and complete cooling water intake structure evaluations pursuant to Section 316(b) as far as possible in advance of the planned date of issuance by NRC of the final environmental impact statement for the construction permit for any nuclear power reactor. The State will also exercise its best efforts to make such evaluations as far as possible in advance of the planned date of issuance of the final environmental impact statement for any other plant or facility subject to this Agreement or issuance of early site approvals associated with nuclear power and other facilities.

(b) Where possible, the State's comments on NRC's draft environmental impact statement for each such facility will reflect such evaluations. The State will undertake the issue a complete Section 402 permit as soon as possible prior to the planned date of authorization by NRC of any commencement of construction [2] or issuance by NRC of any license, or early site approval, whichever is applicable.

(c) Such permits will contain appropriate terms and conditions for all discharges of pollutants expected during the life of the permit and, to the extent possible, terms and conditions with regard to cooling water intake structures and Section 316(a) determinations concerning thermal discharges. Additional permit terms and conditions for discharges not contemplated during the life of the permit (such as certain chemical and other releases not expected until operation startup) may be derived from applicable State water quality standards and applicable new source performance standards contained in 40 CFR, Chapter 1, Subchapter N. Permits may be reissued, or modified as appropriate, and any reissued or modified permit, to be effective at the commencement of actual discharge as provided above, may require additional limitations and controls based on data gathered during the initial permit or may require additional Section 316 (a) and (b) studies for the purpose of confirming conclusions reached from previous predictive studies. Applications for permit reissuance as provided above will be evaluated by the State, so far as allowed by FWPCA, in light of the policy to assure to the maximum extent possible that subsequent considerations regarding impacts on water quality and biota will not result in the need for significant changes in plant design or in costs and benefits of the operation of the facility subsequent to the completion of NRC's environmental review.

4. The State will work closely with NRC to assure, so far as possible, that water quality certifications pursuant to Section 401 for the facilities subject to this Memorandum that require such certification are issued in advance of the planned date of issuance of NRC staff's final environmental impact statement for the facility.

5. The State and NRC will maintain close contact on water quality and related matters during the entire environmental review, including:

(a) Open interagency communications, and mutual cooperation on all relevant water quality matters;

(b) A status meeting, where appropriate, after completion of the environmental review or subsequent thereto, on any significant new considerations that develop; e.g., a major change in plant design or the identification of significant considerations regarding impacts on water quality or biota that were not previously evaluated as may result from a major change in plant design.

6. The State and NRC will consider the feasibility of holding combined or concurrent hearings on the State's Section 402 permits and NRC's construction permits, or other actions, on a case-by-case basis. If there are areas involving impact on water quality or biota where there are significant differences of opinion between the State and NRC, every reasonable attempt will be made to identify and resolve these differences prior to the planned date of issuance of NRC's final environmental statement. In the event that agreement cannot be reached, the NRC shall assume responsibility for insuring that the differences are addressed in the environmental statement.

7. Nothing in this Memorandum is intended to restrict or extend the statutory authority of either NRC or the State or to affect or vary the terms of the present agreement between the State and NRC under Section 274b of the Atomic Energy Act of 1954, as amended.

8. The principal NRC contact under this Memorandum shall be the Assistant Director for Environmental Projects. The principal State contact under this Memorandum shall be the Director of the Department of Environmental Control.

9. This Memorandum of Understanding shall take effect immediately upon signing by the State and the Nuclear Regulatory Commission, and may be terminated upon 30 days written notice by either party.

For the United States Nuclear Regulatory Commission:

Lee V. Gossick,

Executive Director for Operations.

Dated at Washington, D.C., this 2nd day of August, 1979.

For the Nebraska Department of Environmental Control:

Dan T. Drain, *Director.*

Dated at Lincoln, Nebraska, this 12th day of July, 1979.

[FR Doc. 79-26196 Filed 8-22-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of State of New York

In the matter of The Power Authority of the State of New York [James A. FitzPatrick Nuclear Power Plant]

Order

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes operation of the James A. FitzPatrick Nuclear Power Plant at power levels up to 2436 megawatts thermal (rated power). The facility, which is located at the Licensee's site in Oswego County, New York, is a boiling water reactor (BWR) used for the commerical generation of electricity.

II

Because certain safety related piping systems at the facility had been designed and analyzed with a computer code which summed earthquake loads algebraically, the potential existed for compromising the basic defense-in-depth provided by redundant safety systems in the event of an earthquake. This potential compromising resulted from the possibility that an earthquake of the type for which the plant must be designed could cause a pipe rupture as well as degrade the emergency cooling system designed to mitigate such an accident. Therefore, by Order of the Director of Nuclear Reactor Regulation (the Director) for the Nuclear Regulatory Commission (NRC), dated March 13, 1979 (44 FR 16511, March 19, 1979), the licensee was ordered to show cause:

(1) Why the licensee should not reanalyze the facility piping systems for seismic loads on all potentially affected safety systems using an appropriate piping analysis

[2] The term "commencement of construction" is as defined in 10 CFR 50.10(c), 30.4(w), 40.4(n) and 70.4(s) as applicable.

computer code which does not combine loads algebraically;

(2) Why the licensee should not make any modifications to the facility piping systems indicated by such reanalysis to be necessary; and

(3) Why facility operation should not be suspended pending such reanalysis and completion of any required modifications.

In view of the importance of safety of this matter, the Order was made immediately effective and the facility was required to be placed in the cold shutdown condition and remain in that mode until further Order of the Commission.

III

The facility is currently in the cold shutdown condition. Pursuant to the March 13, 1979 Order, the licensee filed a written answer to the Order by letter dated March 30, 1979 (date of receipt). In this response the licensee stated that it is reanalyzing all potentially affected safety systems for seismic loads using an appropriate method which does not sum loads algebraically.

By letter dated August 2, 1979, the licensee requested the startup of the James A. FitzPatrick Nuclear Power Plant. This request is based on: (1) the completion of the analysis for all piping, equipment nozzles, and containment penetrations for both the Design Basis Earthquake (DBE) and Operating Basis Earthquake (OBE), (2) the completion of all analyses and modifications for those pipe supports in areas inaccessible during normal plant operation, (3) the completion of modifications identified to date to those pipe supports in areas accessible during normal plant operation, and (4) a commitment to complete the analysis of the remaining pipe supports in accessible areas within 60 days from the date of plant startup. Technical Support for these conclusions is provided in letters from the licensee dated March 30, (date of receipt), June 8, 28, and August 2, 7, 10, 14, 1979, and letters from Stone and Webster dated March 22, 30, April 3, 6, 11, 13, 18, 27 and May 11, 14, 18, 1979. The licensee has committed: (1) to shutdown the facility if a seismic event occurs, which results in accelerations greater than an acceleration level of 0.01 g, the setpoint of the facility's accelerometers, and (2) in the event of a 0.01 g seismic event to inspect those piping systems and supports which have not been shown to be fully acceptable for the Operating Basis Earthquake (OBE) case (ground acceleration of 0.07 g). This commitment is required only until such time that the reanalysis for the OBE loading condition, and any necessary modifications, is completed. In addition, the licensee has committed to notify the NRC within twenty four (24) hours if it is determined that any of the remaining support analyses result in declaring a support inoperable. Based on the above, the licensee contends that good cause has been shown why the suspension of facility operation should not be continued in effect while the reanalyses of the remaining pipe supports are completed.

The licensee's analyses were performed using the PSTRESS SHOCK 3 computer code which combines stresses in a manner acceptable to the NRC staff. The reanalyses resulted in the calculations of some stresses above allowable. In these cases when the calculated stresses on piping indicated that support loadings were above original design values, the licensee was required to reanalyze the support.

The licensee reanalyzed 96 pipe stress problems as a result of the March 13, 1979 Show Cause Order. Five problems required hardware modifications. Of these 5 problems, one required modifications to supports as a result of seismic overstresses. The other four modifications were required because of verification of "as-built" conditions, thermal stresses, and modeling differences. Of a total of 989 supports the licensees has evaluated all 335 pipe supports in areas inaccessible during normal plant operation as well as 273 supports in areas accessible during plant operation. Of these 608 analyzed existing supports, 29 required modifications, with a few of these modifications due to significant load increases. Nine other modifications in the form of installation of new additional supports resulted from "as-built" conditions.

The NRC staff has reviewed licensee's submittals. This review included, among other things, an evaluation of the codes which compute pipe stresses resulting from the facility's response to an earthquake. The means by which piping responses are combined in the codes that are currently a basis for the facility design are summarized below:

PSTRESS/SHOCK 3

This code combines intramodal* responses by a modified the square root of the sum of the squares (SRSS) and combines intermodal* responses by SRSS or absolute sum for closely spaced modes.

The NRC staff has determined that an algebraic summation of responses was not incorporated into the PSTRESS/SHOCK 3 code. The NRC staff has further concluded that this code privides an acceptable basis for analyzing the facility piping design.

Based on the NRC Staff's Safety Evaluation dated August 14, 1979, the staff finds that all piping, equipment nozzles, and containment penetrations affected by the March 13, 1979 Show Cause Order and all piping supports located in areas inaccessable during normal plant operation and approximately one half of those located in accessable areas have been acceptably reanlayzed and modified and/or repaired as necessary.

The remaining 381 pipe supports in areas accessible during normal plant operation will be analyzed within sixty (60) days of plant startup. Based on the results of the analysis of supports in areas inaccessible during normal plant operaion (i.e., of August 6, 1979, 1 of 335 have a safety factor of less than 2 with respect to ultimate capacity as described in the safety evaluation), it is expected that very few, it any, supports in accessible areas have a safety factor of less than 2 with respect to ultimate capacity.

The remaining supports in accessible areas are on systems which are less critical to safe shutdown than those in inaccessible areas. There is no increased potential for a loss-of-coolant accident because the reactor coolant pressure boundary is in an inaccessible area and has been reanalysed. In addition, the analysis of the remaining accessible supports, and modifications to insure system operability if necessary will be completed within sixty (60) days of startup and an earthquake approaching the DBE in this time period is very unlikely. The licensee has provided a schedule for completion of remaining support analyses. This schedule results in completion of at least one train of all redundant safety systems within 30 days. In the event a support is found to be above design loan, a determination will be made of the significance of the load, and modifications will be made. Those supports that fall in this category may, depending on the load level, declared inoperable as defined in the Technical Specifications.

The licensee to date has not completed the actions identified in paragraph number 2 of the Order to Show Cause dated March 13, 1979 and this Order does not affect that portion of the March 13, 1979 Order. The licensee has, pursuant to paragraph 3 of the Order, shown cause why operation of the facility should not remain suspended pending the completion of reanalyses

*Modes are defined as dynamic piping deflections at a given frequency. Intramodal responses are the components of force, moment and deflection within a mode. Intermodal responses are the components of force, moment and deflection of all modes.

and completion of any further required modifications.

The licensee's answer to the Order did not request a hearing nor did any person request a hearing.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is determined that: The public health, interest or safety does not require the continued shutdown of the facility, and it is hereby ordered that:

1. Effective this date the suspension of facility operation required by the Order to Show Cause of March 13, 1979 is lifted.

2. All modifications to correct all piping systems, equipment nozzles and containment penetrations and all modifications to supports located in areas inaccessable during normal plant operation shall be completed prior to plant startup.

3. The licensee shall both complete reanalyses of the remaining pipe supports in areas accessible during normal plant operation and propose a schedule for implementation of any necessary modification within sixty (60) days of plant startup.

4. For each modification identified as a result of reanalysis of the remaining supports in accessible areas after resumption of facility operation, when a support is deemed inoperable (a support will be considered inoperable if the loads exceed a factor of safety of 2 to ultimate and exceed the limits of ASME B&PV Code, Section III, Subsection NF) the NRC shall be notified within 24 hours after making each such determination. The affected system shall be considered inoperable until the necessary modifications are implemented within seven days or the time frame allowed by the facility Technical Specifications, whichever is less, unless a reanlaysis of the affected piping systems is performed which: (1) demonstrates that the overstressed support remains operable, or (2) demonstrates, with the overstressed support removed from the system, that the system remains operable.

5. The James A. FitzPatrick Nuclear Power Plant shall be shutdown if an earthquake with an acceleration greater than .01 occurs (site accelerometers are set of 0.01 g) and the licenses shall inspect all safety-related piping systems which have not been reanalyzed and shown to be acceptable at the 0.07 g level of the OBE. Prior to resuming operations following an earthquake, the licensee shall demonstrate to the Commission that no functional damage has occurred to those features necessary for continued operation without undue risk to the health and safety of the public.

For The Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 14th day of August 1979.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc 79-26194 Filed 8-22-79; 8:45 am]

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NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-34]

Accident Reports, Safety Recommendations and Responses; Availability

Aircraft Accident Report

Rocky Mountain Airways, Inc., DeHavilland DHC-6-300, N24RM, Cheyenne, Wyoming, February 27, 1979 (NTSB-AAR-79-10).—In its formal investigation report released August 14, the National Transportation Safety Board cited flightcrew and maintenance personnel in the probable cause of a nonfatal crash involving Rocky Mountain Airways Flight 801 which occurred on takeoff from Cheyenne Municipal Airport. Shortly after the DHC-6 Twin Otter aircraft took off for Denver, Colo., the right engine failed with a "loud bang." Subsequently, the first officer, who was flying the airplane from the right seat, began a turn to the right away from a populated area north of the runway to an uninhibited area northeast of the airport. The crew stated that they were forced to sacrifice altitude to maintain flying speed.

When a forced landing appeared inevitable the aircraft was turned toward open rolling terrain. The first touchdown, approximately 61 seconds after takeoff, was on the upslope of a grassy knoll. The aircraft continued bouncing across the uneven ground and ripped through a chainlink fence before stopping. There were no fatalities; two of the 16 occupants received minor injuries. The aircraft was damaged substantially.

The Safety Board determined that the probable cause of this accident was the flightcrew's erroneous determination that the aircraft was not capable of single-engine flight and their actions which precluded obtaining maximum available performance from the aircraft. The cause of the engine failure was an erroneous assessment by company maintenance personnel of damage sustained by the right engine during an overtemperature condition and their poor judgement in deciding to repair and release the engine for flight without replacing the engine's power turbine section.

The Board noted that flight safety relies on correct decisions for which there are often no specific guidelines. Therefore, it is imperative that both pilots and maintenance personnel make every effort to know their aircraft and their procedures to insure safety of flight. In its report, the Safety Board repeated its concern about the degree of surveillance which can be achieved by Federal Aviation Administration personnel. The heavy workload of the FAA inspectors assigned to this company is such that they would be hard pressed to keep their inspections up to the high standards expected. The Board predicted that the new regulations under Part 135 will increase this workload.

Railroad Accident Report

Bay Area Rapid Transit District (BART) Fire on Train No. 117 and Evacuation of Passengers while in the Transbay Tube, San Francisco, California, January 17, 1979 (NTSB-RAR-79-5).—Also now available are copies of the Safety Board's formal investigation report on this accident, which occurred about 6:06 p.m. last January 17 when the fifth and sixth cars of the seven-car westbound BART train No. 117 caught fire while moving through the tunnel under the San Francisco Bay between Oakland and San Francisco. Forty passengers and two BART employees were evacuated from the burning train through emergency doors into a gallery walkway located between the two single track tunnels and then into a waiting train in the adjacent tunnel. One fireman died when the gallery suddenly filled with heavy black toxic smoke. Twenty-four firemen, seventeen passengers, three emergency personnel, and twelve BART employees were treated for smoke inhalation. Property damage was estimated to be $2,450,000.

The Safety Board determined that the probable cause of this accident was the breaking of collector shoe assemblies on train No. 117 when it struck a line switchbox cover which had fallen from an earlier train, resulting in a short circuit and fire. Contributing to the severity of the damage was the failure of BART to quickly and properly coordinate the Oakland and San Francisco fire departments' rescue and firefighting efforts, which did not conform with the emergency plan. The cause of the fatality and injuries was inhalation of smoke and toxic fumes emitted from burning plastic materials used in construction of the transit cars.

Following investigation of this accident, the Safety Board on August 2 recommended that the Urban Mass

Transportation Administration set minimum fire safety standards for the design and construction of rapid transit vehicles (R–79–54) and that the American Public Transit Association review the car inspection procedures and emergency evacuation guidelines of its member transit authorities to correct deficiencies noted in this investigation (R–79–53). During the course of its investigation of this accident the Board last March 8 recommended that BART tighten predispatch inspection and the security of under-the-car equipment such as switch box covers. (R–79–12 and 13). Eleven other recommendations to BART, also issued August 2, seek review or revision of BART energency procedures and improved equipment which would permit uncoupling of cars from within a train in an emergency (R–79–42 through 52). The full text of these recommendations is included in the investigation report; see also 44 FR 15817, March 15, 1979, and 44 FR 46964, August 9, 1979.

Intermodal Safety Recommendations

I–79–1 through 4.—The Safety Board has investigated eight serious transportation accidents since 1972 which involved hazardous materials in transit. These accidents which occurred in rail, air, and highway carrier operations resulted in many injuries and fatalities as well as extensive property losses because of the release of hazardous materials. In nearly every one of these accidents an instance of noncompliance with the hazardous material safety regulations was noted in the areas of packaging, labeling, recordkeeping/documentation, or quantity limits. Since regulations governing the shipment of hazardous materials, currently published in Titles 46 and 49 of the Code of Federal Regulations, have been in effect since 1900, the Safety Board has undertaken a special study to determine the reasons for noncompliance.

In completing this study, the Safety Board learned that there is agreement between the Government and industry about perceived reasons for noncompliance with the hazardous materials safety regulations in six areas. These reasons are:

1. The regulations are complex and difficult to understand.
2. Industry interrelationship complexities.
3. Economic pressures.
4. Industry personnel often are unaware of the regulations.
5. Lack of available training for inexperienced personnel.
6. Indifference.

The study revealed that although there is a broad overlapping of these reasons, each reason focuses on a problem area which requires a solution that is somewhat different from the others. Another significant finding is that the number of hazardous materials shipments that are not in compliance is unknown. This means that it is impossible to measure just how effectively DOT's compliance program is working.

As a result of this special study, "Noncompliance with Hazardous Materials Regulations," copies of which will soon be made available to the public, the Safety Board on August 14 recommneded that the U.S. Department of Transportation:

Expedite the ongoing DOT program of evaluating every hazardous materials safety regulation with the objective of revising each regulation so that the persons who need to use them can understand them. (I–79–1)

Publish all nonemergency amendments to the regulations, simultaneously and at regular intervals such as semiannually, with a cross-reference index, that also includes all previously released emergency amendments. (I–79–2)

Expand the Materials Transportation Bureau compliance program to work through the executives of shipping companies as a means of improving compliance with regulations through increased industry awareness and as a means of eliciting from these executives information on the effectiveness of the regulations. (I–79–3)

Expand the hazardous materials regulations compliance assurance program by formalizing compliance policies and management systems that will serve as a model for other departments with regulatory responsibility, and that ultimately will lead to the ability to measure the effectiveness of the program. (I–79–4)

The first three recommendations above are designated "Class II, Priority Action." Longer term action is provided for the fourth recommendation, which is designated "Class III."

Responses to Safety Recommendations

Highway

H–79–19.—The Federal Highway Administration on August 13 responded to one of several recommendations issued April 5 following investigation of the accident which occurred September 25, 1977, in St. Louis, Mo., when the driver of a tractor-semitrailer lost control of his vehicle after skidding on wet concrete pavement and collided with an automobile, killing all three occupants of the car. The recommendation asked FHWA to examine alternatives to improve existing concrete barrier systems. (See 44 FR 21907, April 12, 1979.)

FHWA reports that it has reviewed both practice and existing guidelines on reinforcement and other design features of concrete median barriers. In 1976, the Southwest Research Institute completed an indepth study for FHWA (FHWA–RD–77–4) which included full-scale testing of concrete median barriers. Recommendations were made for the shape of the barrier, pattern or reinforcement, height, warrants for use, and many other related items. FHWA states that the review indicates that it is now timely to issue a technical advisory on reinforcement, treatment of joints, and other critical design features. FHWA believes that retrofitting entire existing concrete barrier systems in the field would be highly impractical and very uneconomical. However, in view of the St. Louis accident, FHWA will investigate a possible design for retrofitting at joints.

Marine

M–78–56 through 61.—The U.S. Coast Guard on July 28 responded to the Safety Board's letter of March 23 commenting on Coast Guard's initial response of January 26 to recommendations issued following investigation of the explosion of the SS SANSINENA in Los Angeles (Calif.) Harbor, December 17, 1976. (See 44 FR 18751, March 29, 1979.)

With reference to recommendations M–78–56, 57, 58, and 60, the Safety Board on March 23 noted that Coast Guard was studying more efficient design and placement of cargo tank vents and was developing regulations to provide for segregated ballast tanks and inert gas systems. The board believes that these design changes may indeed provide for a lessening of vapor concentrations, control of vapor emission during ballasting operations, more efficient design and arrangement of vents, and closed cargo gauging systems. The Board was concerned, however, as to the time frame for implementing this activity, and asked to be furnished with a timetable. The Board noted that Coast Guard published on February 12, 1979, proposed rules for segregated ballast tanks and inert gas systems; comments on these proposals were furnished by the Safety Board on April 2 and April 9.

On August 24, 1977, the Safety Board provided comments to docket CGD–77–057 on proposed revisions to 46 CFR Parts 30 and 32 ("Inert Gas and Deck Foam Systems"). The Board was then concerned over the size limitations for application of the proposed rules and for the vessel types which would be covered, stating in its comments:

Regarding Subpart 46 CFR 32.53–1, figures cited in the preamble for these proposed rules indicate that 47 percent of the in-tank fires and explosions occurred on tank vessels of less than 20,000 dwt between 1950 and 1973.

This high incidence of fire and explosion coupled with the significant number of tank vessels under 20,000 dwt trading in U.S. ports, indicates that these vessels need the protection that an inert gas system will afford. Also, due to the increasing size and number of ocean-going tank barges and integrated tub-tank barge combinations, these vessels should be covered by the proposed rules. Such tank vessels often have as great a potential for catastrophic accidents as tankships and cannot be ignored. We suggest therefore that the proposed rules be revised to require an inert gas system on all oceangoing tank vessels of more than 1,600 gross tons.

The Board in its March 23 letter expressed concern that all *tank vessels* are not protected but only tankships; The SANSINENA recommendations were developed using "tank vessel" in order to stress this need. Further, the Board believes that smaller vessels posing a potential for catastrophic fire and explosion should be protected and expressed an interest in Coast Guard's rationale in placing the size threshold for application of the proposed rules for inert gas systems and segregated ballast tanks. The Board also asked for information concerning plans for the protection of smaller vessels. The Board strongly encouraged the Coast Guard to consider providing interim operational requirements, believing that such a step would provide a higher level of protection than now exists and would greatly reduce the possibility of hazardous vapor concentrations collecting on the decks of the tank vessels.

Coast Guard's July 18 response to Board comments on these recommendations states, with reference to M–78–56, that a study entitled "Investigation of Hazards Posed by Chemical Vapors Released in Marine Operations" is being conducted in two phases. A final report on Phase I, involving analytical modeling of the vapor dispersion phenomena and two full scale experimental tests, is anticipated about August 1, 1979. Phase II of the study begins in September 1979 and is scheduled to continue for 30 months. This phase will include 15 full scale experimental tests and will be used to validate the analytical model; a final report for the Phase II task will be published about February 1982. Coast Guard notes that comments from the Safety Board, as well as others, have been received with reference to its February 12 proposals and will be reconciled in accordance with the Administrative Procedures Act in the final rulemaking. The specific question of scope of application of the inert gas regulations will be addressed in the preamble of the final rule.

With reference to recommendation M–78–58, calling for requirements for more efficient design and arrangement of vents and closed cargo gauging systems, Coast Guard said it will, in accordance with the Office of the Secretary policy, develop a regulatory work plan which addresses the timetable questions. The overall work plan, available November 1, 1979, will establish key events with respect to collection of data, information, and regulatory development. This information is also pertinent to recommendation M–78–60.

With reference to M–78–59, the Safety Board's March 23 letter asked for notification as to the status of the ratification of the Inter-Government Maritime Consultative Organization (IMCO), "International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978" (1978 STCW). The Board said it will review the new proposed rule for tankermen qualifications and expressed concern about the time requirements for both the IMCO ratification process and the regulatory action proposed. The Board urged Coast Guard to expedite publication of the final rules.

In response to these comments on M–78–59, Coast Guard notes that the United States has supported the creation of 1978 STCW since establishment of the Subcommittee on Standards of Training and Watchkeeping in October 1971. Coast Guard said that the 1978 STCW Convention was opened for signature last December 1 and will remain open until November 30, 1979; it was signed, subject to ratification, in behalf of the United States on January 25, 1979. The United States will encourage ratification of the 1978 STCW Convention by all nations, and the Department of Transportation has requested that the Department of State initiate the necessary action to obtain the advice and consent of the U.S. Senate in ratifying the Convention. This was requested to be done on a high priority basis in keeping with the sense of urgency advocated by the U.S. delegations at IMCO. Coast Guard is now reviewing the proposed tankerman regulations which should be published in the **Federal Register** in September 1979.

Concerning recommendation M–78–61, the Safety Board on March 23 requested a copy of the final reports or executive summaries of studies referred to in Coast Guard's January 26 response. On July 18 Coast Guard provided a copy of the final report entitled "Experimental Study of Flame Control Devices for Cargo Venting Systems" and noted that additional copies can be obtained from the National Technical Information Service. The NTIS number for this report is AD A063008. A second study discussed in Coast Guard's original comments on recommendation M–78–61, "Experimental Evaluation of Screen Type Flame Arresters with Fuel/Air Mixtures under Atmospheric Flash-Back Conditions," is just beginning and Coast Guard said that the project should be completed in 1981.

Pipeline

P–73–38.—The Materials Transportation Bureau on August 1 transmitted data on enforcement actions related to 49 CFR 192.615, as requested by the Safety Board's letter of April 26. The Board in that letter advised that this recommendation seeking to identify the need for increased surveillance and enforcement action regarding written emergency plan requirements, had been classified as "Closed—Acceptable Action," predicated on implementation activities reported in MTB's September 14, 1978, response. (See 44 FR 30181, May 24, 1979.) The recommendation resulted from investigation of a gas pipeline accident that occurred in Atlanta, Ga., August 31, 1972.

MTB defines an enforcement action as a series of possible events arising from a determination that an operator or an owner is probably in noncompliance with a regulation. Depending on the seriousness of the noncompliance and other factors, MTB issues a warning letter or preliminarily assesses a civil penalty. If a civil penalty is assessed, the outcome can range from the case being forwarded to the U.S. Attorney General or being dismissed in its entirety by Department of Transportation representatives.

The tabulated data provided shows that, in general, there has been an increase in enforcement activity since the last quarter of CY 1976. There were 106 enforcement actions during the period; 27 resulted in the issuance of a warning letter; 43 actions were completed without a civil penalty; 6 were completed with a civil penalty; 30 actions are pending; and $8,000 was collected in penalties. MTB says it is continuing to exercise close surveillance over gas operators to insure that emergency plans are effectively maintained and updated.

Railroad

R–78–13.—The Federal Railroad Administration on July 30 responded to the Safety Board's letter of March 2 commenting on FRA's response dated January 23 (44 FR 11626, March 1, 1979). The recommendation was issued March

9, 1978, after the Safety Board determined that several recent derailments were probably caused by the breaking of wheels due to overheating.

The Board's March 2 letter recognizes that the Hazard Analysis and Priority Determination System (HAPDS) is a logical approach to early recognition of patterns of component failures and that, when it becomes operative, such a system should provide railroad management and manufacturers with timely accident-prevention information. The Board had been informally advised that HAPDS is about 2 years from becoming operative and expressed concern about critical component failures that do not prompt expeditious replacement or repair until after repetitive accidents. The Board asked to be apprised of any other means under consideration which would afford the railroad industry early warning advisories should similar wheel problems again occur.

FRA's July 30 letter notes that HAPDS will provide on an annual basis a quantitative assessment of the hazards faced by the U.S. railroad industry. The annual report will provide a comprehensive assessment of the size of the problem for each identifiable hazard, the cost of reducing it and the benefits to be derived. These hazards will be analyzed through a risk assessment approach including the development of supporting historical statistics to permit early recognition of failure trends. FRA believes that HAPDS is the proper vehicle to utilize in the promulgation of regulations to establish adequate service records and is the best means of furnishing the railroad industry early warning advisories; FRA has no other under consideration. FRA states, "The industry's AAR early warning system together with FRA's accident analysis work, however, currently provide us with valuable failure trend information which should suffice during this interim period."

R–78–34 through 36.—FRA's July 27 etter responds to the Safety Board's comments of March 1 concerning FRA's January 5 response (44 FR 6538, February 1, 1979). The recommendations related to transportation of hazardous materials.

With reference to recommendation R–78–34, the Board's March 1 letter notes that FRA's response does not offer a proposed timetable of the causal factor study completion, as outlined in sections 307(1) and (2) of the Independent Safety Board Act of 1974; the Board asks to be advised of what additional statistical information FRA hopes to obtain from such a study. The Board's concern is two-fold: first, FRA presently publishes an Annual Accident/Incident Bulletin which appears to offer a wealth of statistical information based on the FRA Guide for Preparing Accident/Incident Reports; second, the proposed causal factor study is apparently a long-term program on a subject which begs for expeditious action. The Safety Board believes that existing accident data should enable FRA to offer leadership and assistance to the entire railroad industry in eliminating major accident causal factors and urges that this be provided in a direct manner.

Concerning R–78–35, the Board asked if HAPDS has been placed in an operational status. If the system is in effect, the Board asked for examples of instances where trends in component failures have been communicated to the industry through the facilities of the Association of American Railroads (AAR) and whether FRA plans to utilize the AAR Mechanical Division "Early Warning" System in conjunction with HAPDS.

In commenting on FRA's response to R–78–36, the Safety Board expressed regret that FRA concludes that this recommendation is neither valid nor necessary. The Board firmly believes that State participation can greatly assist FRA in inspection and enforcement activities, provided that the various States are given added impetus and guidance by FRA. As noted in the Safety Board's 1978 report, "Analysis of Proceedings of the NTSB into Derailments and Hazardous Materials," eight years of the State Participation Program has resulted in only 23 States and 57 inspectors and trainees actively pursuing railroad safety. While the Board is aware that the program has not been problem-free (particularly in such areas as funding, recruiting, training, and communications), the Board strongly believes that there is a potential source of monitoring assistance available in State participation, a source that can be effective not only in the ongoing fields of track and equipment inspection, but in other areas such as signals, hazardous materials, and operating practices. The Board urged FRA to evaluate and expand the State Participation Program so as to broadly increase its inspection and enforcement activities.

In response, FRA on July 27 stated that the objective of the causal factor study is to develop quantitative information concerning the accident reduction potential of specific safety programs and activities. This effort encompasses all aspects of rail safety. The work will be accomplished by performing an intensive analysis of narrowly defined classes of rail accidents. FRA notes that in the study of a single type of rail accident, it is possible to define the accident process, understand underlying causes, and estimate the potential accident reduction benefits from specific countermeasures. In the initial step, various statistical techniques will be used in analyzing current FRA accident data. Also, NTSB accident data and MTB Hazardous Materials data will be analyzed. Further with reference to recommendation R–78–34, FRA states that safety programs of individual railroads will be studied to render intelligible differences in their accident frequency rates, and discussions with individuals familiar with railroad operations will be accomplished. The causal factor study is expected to be completed by the end of FY 1980.

Regarding R–78–35, FRA reports that HAPDS is currently being developed (by the Transportation System Center under a contractual arrangement with the Office of Safety) and therefore has not been placed in an operational status. Completion of the development effort is expected by the end of FY 1980, and implementation of HAPDS will begin in FY 1981. FRA is cognizant of the many benefits of AAR's "Early Warning" System and says that "it will most certainly be used in conjunction with the HAPDS as the need arises."

In answer to the Board's March 1 comments with respect to recommendation R–78–36, FRA says that States have the opportunity to increase their activity in the enforcement of track standards and freight car safety regulations to achieve a greater degree of compliance and safety by the railroads. Since the State Participation Program, as legislated by Congress, does not provide for funding for State participation in the enforcement of the hazardous materials regulations, FRA strongly suggests this recommendation be closed.

R–79–41.—The Union Pacific Railroad Company on July 19 responded to a recommendation issued July 5 following investigation of a rear-end collision on the Union Pacific tracks at Ramsey, Wyo., last March 29. The recommendation asked Union Pacific to modify its locomotive cab signal apparatus to provide for an automatic airbrake system whenever the engineer fails to acknowledge a more restrictive signal indication within the specified time. (See 44 FR 40742, July 12, 1979.)

Union Pacific reports that it has commenced not only a program to modify its cab signal apparatus to provide for an automatic penalty

application of the automatic air brake system, as recommended, but electronic whistles on the cab signal equipment which will not be susceptible of muffling are also being installed. Plans call for both of these programs to be completed before January 1, 1981.

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 purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

August 20, 1979.

[FR Doc. 79-26218 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

August 20, 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 on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours of less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

Revisions

Agricultural Stabilization and Conservation Service
Application for Emergency Feed and Part 1475 Emergency
Feed Program Regulations
ASCS-645 and Regs
On occasion
Livestock producers, 65,000 responses; 32,500 hours
Charles A. Ellett, 395-5080

Extensions

Agricultural Stabilization and Conservation Service
*Summary of Buyers Corrections Account
MQ-71
Weekly
Tobacco warehouse operators, 6,800 responses; 3,400 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—377-4217

New Forms

Bureau of the Census
Survey of Property Assessment, Ratio Studies, and Transfer Taxes
GP-37
Single time
State and local officials in assessment administration, 150 responses; 150 hours

Economic Development Administration
Preliminary Plans For Data Collection Forms for University Center Evaluation
Single time
Business firms and university center staff
Richard Sheppard, 395-3211

Reinstatements

Departmental and Other
*Request for: Name check—Identification Record Check
CD-346
On occasion
Applicants for financial assistance, 1,500 responses; 375 hours
Richard Sheppard, 395-3211

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252-5214

New Forms

Permanent Exemption for Intermediate Load Powerplants
ERA-314
Single time
Electric utilities, 5 responses; 5,000 hours
Jefferson B. Hill, 395-5867

Permanent Exemption for Peakload Powerplant
ERA-313
Single time
Electric utilities, 40 responses; 1,200 hours
Jefferson B. Hill, 395-5867

Permanent Exemption for Inability To Obtain Adequate
Capital—New Installations

ERA–307–B
Single time
Major fuel burning installations, 10 responses; 10,000 hours
Jefferson B. Hill, 395–5867

Permanent Exemption for New Powerplant Based on Inability To Obtain Adequate Capital
ERA–307–A
Single time
Electric utilities, 10 responses; 10,000 hours
Jefferson B. Hill, 395–5867

Exemption Due to an Inability To Comply With Applicable Environmental Requirements
ERA–306
Singe time
Powerplants and major fuel burning installations, 10 responses;
Jefferson B. Hill, 395–5867

Revisions

Domestic Crude Oil First Purchasers Report
ERA–182
Monthly
First purchasers of crude oil, 4,550 responses; 70,000 hours
Edward H. Clarke, 395–5867

Reinstatements

Commercial Nonresidential Buildings Interim
Energy Survey
EIA–143
Single time
Commercial establishments, 6,000 responses; 3,000 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Guess—245–7488

New Forms

Food and Drug Administration
Fill Weight Information Request
Single time
Food chains with private labels, 14 responses; 28 hours
Richard Eisinger, 395–3214

Health Resources Administration
1979–80 Inventory and Analysis of Allied Health Collegiate Education Programs
Single time
Colleges and universities having allied health programs, 10,160 responses; 3,983 hours
Off. of Federal Statistical Policy and Standard, 673–7974

National Institutes of Health
Consequences of Childlessness for Older Men
Single time
Men over 60 in Los Angeles SMSA, 300 responses; 180 hours
Off. of Federal Statistical Policy and Standard, 673–7974

National Institutes of Health
The Consequences of Being and Having an Only Child on Intelligence, Interpersonal Orientation, Attitudes and Time Use
Single time
Parents and children in Austin, Texas SMSA, 528 responses; 600 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Office of Human Development
State Agency Quarterly Statement of Financial Plan, Social Services and Training—Title XX
HDS–APS–25
Quarterly
State social services (title XX) agencies, 220 responses; 220 hours
Budget Review Division, 395–4775

Public Health Service
Demonstration of Incentive Reimbursement System for Nursing Homes
Single time
Description not furnished by agency
Richard Eisinger, 395–3214

Social Security Administration
Workshop for Integrated Quality Control Reviews
SSA–4340
Semiannually
Welfare recipients, 13,500 responses; 175,500 hours
Barbara F. Young, 395–6132

Revisions

Food and Drug Administration
Next Image Receptor Module
FD 2578A
Single time
X-ray equipment operators, 500 responses; 125 hours
Richard Eisinger, 395–3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

Revisions

Housing Production and Mortgage Credit
*Cooperative Membership Exhibit Section 213
FHA 3203
On occasion
Coop-Organization, 5,000 responses; 2,500 hours
Arnold Strasser, 395–5080

Extensions

Housing Management
Monthly Report of Excess Income—Section 236
HUD–93104 and 93104A
Monthly
Own. of sec. 236 multi-fam. proj. both insur and noninsur, 54,276 responses; 27,138 hours
Arnold Strasser, 395–5080

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245–3064

New Forms

Training Survey of Hazardous Waste Facility
Single time
Owners/operators hazardous waste mgt. facili., 200 responses; 100 hours
Edward H. Clarke, 395–5867

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Sally E. Crocker—634–6983

New Forms

Recordkeeping Requirements Under the Equal Pay Act
On occasion
Description not furnished by agency
Laverne V. Collins, 395–3214

Recordkeeping Requirements Under the Age Discrimination in Enforcement Act
On occasion
Description not furnished by Agency
Laverne V. Collins, 395–3214

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER

Agency Clearance Officer—Roy A. Nierenberg—456–6286

Revisions

Council on Wage and Price Stability
Report on Prices, Sales, and Profits
PM–1
Quarterly
Largest nonfinancial corporations, 12,000 responses; 24,000 hours
Arnold Strasser, 395–5080

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—452–3512

Revisions

Commercial Paper Reports
FR 2957A, B, and C
Weekly
Direct issuers of and broker/dealers in comm. paper, 6,252 responses; 8,139 hours
Off. of Federal Statistical Policy and Standard; 673–7974

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4693

Revisions

*Report of Payments to Employee Claiming Sickness Benefits Under the Railroad Unemployment Insurance Act
SI–5
On occasion
Employers, 5,000 responses, 415 hours
Barbara F. Young, 395–6132

*Character Statement for Person Being Recommended to Act in Behalf of Railroad Retirement Annuitant
G–381
On occasion
Deponents, 6,000 responses; 498 hours
Barbara F. Young, 395–6132

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. White—389–2282

Revisions

*Application for Annual Clothing Allowance (under 38 U.S.C. 362)
21–8678
On occasion
Veterans, 8,000 responses; 1,333 hours
C. Louis Kincannon, 395–3772

David R. Leuthold

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–26248 Filed 8–22–79; 8:45 am]

BILLING CODE 3110–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1979, shall be at the rate of twelve and one-half cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning October 1, 1979, 18.7 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 81.3 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: August 16, 1979.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 79–26018 Filed 8–22–79; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–16114; File No. SR–CBOE–1979–8]

Chicago Board Options Exchange, Inc.; 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 August 6, 1979 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Chicago Board Options Exchange's Statement of the Terms of Substance of the Proposed Rule Change

Brackets indicate words to be deleted; *italics* indicate words to be added.

Rule 6.45 Priority of Bids and Offers

(a) (No change.)
(b) (No change.)
(c) (No change.)
(d) Notwithstanding anything in paragraphs (a) and (b) to the contrary, when a member holding a spread order, [or] a straddle order, *or a combination order* and bidding or offering on the basis of a total credit or debit for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Board Broker or Order Book Official, then the order may be executed as a spread, [or] straddle, *or combination* at the total credit or debit with one other member without giving priority to bids or offers of the Board Broker or Order Book Official that are no better than the bids or offers comprising such total credit or debit.

6.53 Certain Types of Order Defined

(a) (No change.)
(b) (No change.)
(c) (No change.)
(d) (No change.)
(e) *Combination Order. A combination order is an order to buy a number of call option contracts and the same number of put option contracts on the same underlying security, which contracts do not have both the same exercise price and expiration date; or an order to sell a number of call option contracts and the same number of put option contracts on the same underlying security, which contracts do not have both the same exercise price and expiration date. (E.g., an order to buy two XYZ April 50 calls and to buy two XYZ July 40 puts is a combination order.) In the case of adjusted option contracts, a combination order need not consist of the same number of put and call contracts if such contracts both represent the same number of shares at option.*

[(g)] (f) Straddle Order. A straddle order is an order to buy [or to sell the same] *a* number of *call* option[s] *contracts* [of each type with respect to] *and the same number of put option contracts on* the same underlying security [and having] *which contracts have* the same exercise price and expiration date; *or an order to sell a number of call option contracts and the same number of put option contracts on the same underlying security which contracts have the same exercise price and expiration date.* (E.g., an order to buy two XYZ July 50 calls and to buy two July 50 XYZ puts is a straddle order.) *In the case of adjusted option contracts, a straddle order need not consist of the same number of put and call contracts if such contracts both represent the same number of shares at option.*

CBOE's Statement of Basis and Purpose Under the Act for the Proposed Rules Change

The purpose of the proposed rule change is to define combination orders and to accord to combination orders the same limited exception to book priority which is presently enjoyed by spread and straddle orders. In addition, the definition of straddle order is being reworded to render it parallel to the proposed definition of combination order.

At present, a limited exception to book priority exists to facilitate the execution of spread and straddle orders. Since spread, straddle and combination orders all contribute to overall liquidity in an options class, the limited exception to book priority accorded spread and straddle orders should also be accorded to combination orders. Straddle and combination orders both involve the purchase or sale of a particular number of call options combined with the sale or purchase of an identical number of put options. In fact, a straddle is only a particular kind of combination, one involving options

with identical strike prices and expiration dates.

The operation and effect of the limited exception to book priority afforded by Rule 6.45(d) was explained at length in connection with a previous amendment to that provision, SR–CBOE–1977–11. That explanation, contained in a CBOE letter to Sheldon Rappaport, dated October 4, 1977 (available for inspection and copying in the Public Reference Room), was in relation to spread transactions. However, the discussion of trading practices involving spreads is equally applicable to combination transactions. Spread order, straddle orders and combination orders all are orders for transactions in more than one option series and are usually effected by bidding at a net or aggregate debit or offering at a net or aggregate credit. The net debit or credit for a spread order represents the differential between the premiums for the two series which comprise the spread; the aggregate debit or credit for a straddle or combination order represents the sum of the premium for the two series which comprise the straddle or combination.

It is important to note that the Rule 6.45(d) combination exception to the book priority rule only operates in those instances where neither leg of a spread, straddle or combination order can be done with the book, and one leg of that order touches the book. Were this exception to book priority non-existent, the spread, straddle or combination order would go unexecuted, and the book's bids and offers would remain exactly as though that order were not in the marketplace. Thus, book orders do not forego an opportunity for execution by reason of the Rule 6.45(d) exception, and neither would the elimination of the exception assure a quicker or surer execution of any order on the book.

The basis under the Act for the propose rules change is Sections 6(b)(5) and 11A(a)(1)(D) since such rules changes are designed to facilitate transactions in securities involving more than one option series and to contribute to best execution of such orders.

No Comments on this proposed rule change have been solicited or received from members.

The Exchange does not believe that the proposed rule change will impose any burden on competition.

On or before October 1, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 13, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 16, 1979.

[FR Doc. 79–26189 Filed 8–22–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–16115; File No. SR–CBOE–1979–7]

Chicago Board Options Exchange, Inc.; Proposed Rule Change

August 16, 1979.

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 August 6, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Chicago Board Options Exchange's Statement of the Terms of Substance of the Proposed Rule Change

Brackets indicate words to be deleted; *italics* indicate words to be added.

Rule 6.24 Orders Required To Be in Written Form

(a) No Change.
(b) No Change.
(c) No Change.
* * * Interpretations and Policies:
.01 No Change.
.02 [Without limiting the applicability of the foregoing, the use of hand signal communications on the floor of the Exchange is appropriate provided that they satisfy the following requirements:

1. The executing broker must have in his possession an order in written form.
2. The order ticket must include all of the information relating to underlying security ticker symbol, expiration month, striking price and volume.
3. Hand signals may be used to relay only information relating to the changing of limits, decrease in the size of orders, and activiation of market orders.
4. Hand signals shall not be used to increase the size of orders.
5. All cancellations and changes of orders held by the Board Broker or Order Book Official must be provided in written form.
6. All cancellations and changes of orders held by floor brokers in the crowd and relayed to these members through the use of hand signals must also be relayed to these members in written form, time stamped, immediately thereafter.]

Without limiting the applicability of the foregoing, the use of hand signal communications on the floor of the Exchange may be used to initiate an order, to increase or decrease the size of an order, to change an order's limit, to cancel an order, or to activate a market order. Any initiation, cancellation, or change of an order relayed to a floor broker through the use of hand signals also must be related to the floor broker in written form, time-stamped, immediately thereafter. All cancellations and changes of orders held by the Board Broker or Order Book Official must be provided in written form.

.03 No Change.

CBOE's Statement of Basis and Purpose under the Act for the Proposed Rules Change

The proposed rule change would broaden the permissible uses of hand signals to an executing floor broker so that hand signals may be used to initiate an order or to increase its size. Under the present CBOE Rule 6.24.02, hand signals may be used only to change the limit price of an order, decrease the size of an order, cancel an order, or activiate a market order. All hand-signaled instructions to an executing floor broker respecting the initiation, change or cancellation of an order must be followed up immediately thereafter with a written, time-stamped form confirming the instructions given by hand signals. This broadening of the use of hand signals will expedite the transmission of new orders and increases in the size of existing orders to executing brokers on the floor.

The basis under the Act for the proposed change to Rule 6.24.02 is Section 6(b)(5) and Section 11A (a) (1)

since such rules change will facilitate the execution of transactions in securities, foster efficiency and contribute to the best execution of orders.

No comments have been solicited or received on the proposed rules change.

The Exchange does not believe that the proposed rule change will impose any burden on competition.

On or before October 1, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 13, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 16, 1979.

[FR Doc. 79-26190 Filed 8-22-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10844; (812-4510)]

Jefferson Standard Life Insurance Co.; Filing of Application Pursuant to Section 11 of the Act Approving Certain Offers of Exchange and Pursuant to Section 6(c) of the Act for an Order of Exemption From Section 12(d)(1)

In the matter of Jefferson Standard Life Insurance Co., Jefferson Standard Separate Account A, Pilot Life Insurance Company, Pilot Separate Account A, Jefferson-Pilot Equity Sales, Inc., JP Growth Fund, Inc. and JP Income Fund, Inc., P.O. Box 21008, Greensboro, NC 27420 (812-4510).

Notice is hereby given that Jefferson Standard Life Insurance Company ("Jefferson Standard"), a stock life insurance company organized in 1907 under the laws of the state of North Carolina, Jefferson Standard Separate Account A ("Jefferson Account A"), a separate account of Jefferson Standard registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, Pilot Life Insurance Company ("Pilot Life"), a stock life insurance company organized in 1890 under the laws of the state of North Carolina, Pilot Separate Account A ("Pilot Account A"), a separate account of Pilot Life registered under the Act as a unit investment trust, JP Growth Fund, Inc. ("Growth Fund"), registered under the Act as an open-end management investment company, JP Income Fund, Inc., ("Income Fund"), registered under the Act as an open-end management investment company, and Jefferson-Pilot Equity Sales, Inc. ("JP Equity Sales"), a broker-dealer registered under the Securities Exchange Act of 1934, (collectively "Applicants") filed an application on July 30, 1979, for an order pursuant to Section 11 of the Act approving certain offers of exchange, and pursuant to Section 6(c) of the Act, for an order exempting from Section 12(d)(1), to the extent necessary, the proposed offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Jefferson Account A and Pilot Account A are separate accounts of Jefferson Standard and Pilot Life, respectively, which were established by each insurance company as the facility for the issuance by each of certain variable annuity contracts (the "Contracts"). The assets of Jefferson Account A and Pilot Account A have heretofore been invested entirely in shares of the Growth Fund, which invests primarily in equity securities. Applicants propose to offer revised Contracts which will permit the purchasers of the Contracts to direct the apportionment of their net purchase payments between the Growth Fund and the Income Fund, which invests primarily in fixed income securities and dividend paying common stocks. The contract owner will be entitled to transfer accumulated funds from one Fund to the other Fund on an ongoing basis subject to such limitations as are set forth in the Contracts relating to the frequency of transfers, minimum amounts to be transferred, and minimum amounts remaining in a Fund after a transfer. The charge for each transfer will be $5.00, except that no charge will be assessed for a transfer made in connection with an election of the basis on which annuity payments will be made which is received at the insurance company's home office at least 45 days prior to the commencement of annuity payments. Initially, the limitations contained in the Contracts will be as follows: The minimum amount which may be transferred will be the lesser of $200 or the entire amount in the Fund from which the transfer is being made, and a transfer of less than the full amount in a Fund will not be permitted if the value of either Fund after the transfer would be less than $500 unless the contract owner indicates he intends to continue making periodic payments to that Fund, in which event the $500 minimum can be waived by JP Equity Sales. Transfers during the payout period of the Contracts will be permitted only if annuity payments are being made under an option not involving a life contingency. Moreover, no transfer made in connection with an election of the basis on which annuity payments will be made will be allowed if the initial annuity payment based upon either Fund would be less than $20. The transfer privileges to be included in the revised Contracts will also be extended to owners and payees under existing Contracts which are outstanding when the revised Contracts become available.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company, or any principal underwriter for such a company, to make, or cause to be made, an offer to the holder of a security of such company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have been first submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants state that the prohibitions of Sections 11(a) and 11(c) of the Act should not apply to the Contracts as proposed to be revised. Applicants state that the apparent purpose of Section 11 is to protect investors against unfair exchange offers. Applicants further state

that since the transfer privilege to be included in the revised Contracts will be based on the respective net asset values of the underlying mutual fund shares, and the $5.00 charge on each transfer will not exceed actual expenses incurred by JP Equity Sales, the investor is assured that the arrangement is fair. Applicants maintain that JP Equity Sales stands to gain nothing from these transactions, except that the attractiveness of the Contracts for its customers and prospective customers will be enhanced by the exchange privileges.

Applicants submit that a variable annuity contract is normally purchased as a long-term investment and that it is appropriate to allow investors to reevaluate their investment objectives from time to time and change from one Fund to the other when they conclude that the alternative investment is more suitable in their present circumstances.

However, in order to avoid any question regarding the applicability of Section 11 to the proposed offers of exchange, Applicants have requested an order pursuant to Section 11, to the extent necessary, approving the proposed provision for offers of exchange in the Contracts.

Section 12(d)(1)

Section 12(d)(1)(A) of the Act provides that it shall be unlawful for a registered investment company (the "Acquiring company") to purchase or otherwise acquire any security of another investment company (the "acquired company") if, after such acquisition, (i) the acquiring company, alone or together with other companies controlled by it, owns more than three percent of the total outstanding voting stock of the acquired company; (ii) more than five percent of the value of the acquiring company's total assets consists of securities of the acquired company; or (iii) in the aggregate, more than ten percent of the value of the acquiring company's assets consists of securities issued by the acquired company and other investment companies.

Section 12(d)(1)(B) of the Act provides that it shall be unlawful for any registered open-end investment company (the "acquired company") or its principal underwriter knowingly to sell or otherwise dispose of any security issued by the acquired company to any other investment company (the "acquiring company") if, immediately after such disposition, (i) more than three percent of the total outstanding voting stock of the acquired company is owned by the acquiring company and any companies controlled by it; or (ii) more than ten percent of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies or companies controlled by them.

Applicants state that while shares of the Growth Fund and Income Fund are and will continue to be offered directly to the public, they anticipate that the Fund shares held by Jefferson Account A and Pilot Account A will be in excess of the percentage limitations of Sections 12(d)(1) (A) and (B). According to Applicants, as of June 30, 1979, the Growth Fund had outstanding 1,571,321 shares of its common stock, of which 664,201 (42.27%) were owned by the two separate accounts. Applicants suggest that subsection (E) of Section 12(d)(1) may make it unnecessary for them to seek an exemption from Section 12(d)(1) of the Act since subsection (E) provides that the provisions of Section 12(d)(1) do not apply if (i) the depositor of or the principal underwriter for such registered unit investment trust is a broker or dealer registered under the Securities Exchange Act of 1934; and (ii) the securities are the only investment securities held by such registered unit investment trust or the securities are the only investment security held by such registered unit investment trust that issues two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company.

Applicants contend that the proposed arrangement does not present the type of abuse or danger which Section 12(d)(1) was intended to guard against. Applicants state that Section 12(d)(1) was apparently intended to prevent the "pyramiding" of investment companies and that it is not their intent to "pyramid" but to merely grant to their customers and prospective customers additional flexibility.

Applicants state that they may satisfy the conditions of Section 12(d)(1)(E), however, in order to avoid any question concerning the scope of relief afforded by that Section of the Act, Applicants request an exemption from the provisions of Section 12(d)(1) to the extent necessary to permit Jefferson Account A and Pilot Account A to invest in both Growth Fund and Income Fund shares without regard to the limitations of Sections 12(d)(1) (A) and (B).

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes or persons, securities or transactions, from the provisions of the Act and Rules promulgated 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.

Notice is further given that any interested person may, not later than September 10, 1979, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 10, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–26186 Filed 8–22–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 10846; (812–4472)]

Mutual of Omaha Money Market Account, Inc.; Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From Rules 2a–4 and 22c–1 Thereunder

August 16, 1979.

In the matter of Mutual of Omaha Money Market Account, Inc., 3102 Farnam Street, Omaha, Nebraska 68131, (812–4472).

Notice is hereby given that Mutual of Omaha Money Market Account, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified

management investment company, filed an application on May 7, 1979, and an amendment thereto on August 6, 1979, for an order 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 calculate its net asset value per share using the amortized cost method of valuing portfolio securities.

Applicant represents that its investment objective is to seek as high a level of current income as is consistent with preservation with preservation of capital and maintenance of liquidity by investing in a variety of money market instruments. All investments by Applicant must consist of obligations maturing within one year from the date of acquisition.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distributiuon and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9789, May 31, 1977).

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor 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.

Section 6(c) of the Act provides, in part, that the Commission, upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that the requested exemption is 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 represents that its directors have determined that, absent unusual circumstances, amortized cost value represents the fair value of its portfolio securities. Applicant's board of directors believes that this proposal will benefit both Applicant and its shareholders. Applicant asserts that, under an amortized cost valuation method, its shareholders would have the convenience of being able to determine the value of their holdings, simply by knowing the number of shares they own, and that their task of maintaining an investment record would also be made easier. Applicant further asserts that its proposal is expected to avoid the periodic $.01 changes in its net asset value per share as a result of which investors may realize nominal capital gains and losses upon redemption.

Applicant consents to the following conditions to any order granting the relief requested in the application:

1. In supervising the Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's investment adviser, the Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objective, to stabilize the Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Applicant's $1.00 amortized cost price per share and the maintenance of records of such review.

(b) In the event such deviation from the Applicant's $1.00 amortized cost price per share exceed ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by the board of directors.

(c) Where the board of directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of the Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, the Applicant undertakes that if the disposition of a portfolio security results in a dollar-weighted portfolio maturity in excess of 120 days, the Applicant will invest its available assets in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) decribed in paragraph 1. above; and, the Applicant will record, maintain, and preserve for a period not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those instruments which the board of directors determines present minimal credit risks, and which

are of "high quality" as determined by any major rating service or in the case of any instrument that is not so rated, of comparable quality, as determined by Applicant's board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, of any action was taken, will describe the nature and circumstances of such action.

Notice is further given That any interested person may, not later than September 10, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 26187 Filed 8–22–79; 8:45 am]

BILLING CODE 8010–01–M

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

[Release No. 16113]

August 16, 1979

In the Matter of New York Stock Exchange, Inc., 55 Wall Street, New York, New York 10041. (SR–NYSE–79–15).

On April 2, 1979, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 to amend NYSE Rules 326(a) and 326(b) dealing with growth capital and business reduction capital requirements. The amendment would allow five additional business days to members under certain unusual circumstances before instituting restrictions.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–15815, May 14, 1979) and by publication in the **Federal Register** (44 FR 28903, May 17, 1979). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a securities exchange and in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–26188 Filed 8–22–79; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 09/09–5238]

BJW Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by BJW Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers and director of the applicant are as follows:

Robert B. Boyd, President, 4021 Stevely Avenue, Los Angeles, California 90005.

Ray A. Johnson, Secretary, 813 Pauline Court, Santa Maria, California 93454.

George Whitaker, Director, 3508 Scadlock Lane, Sherman Oaks, California 91423.

The applicant will maintain its principal place of business at 2040 Avenue of the Stars, Suite 400, Los Angeles, California 90067.

It will begin operations with private capital of $2,051,000, of which $51,000 of common stock will be purchased equally by the officers and director shown above. King Bridge International Fiduciary Trust, 2475 South El Paseo Circle, Las Vegas, Nevada 89121 will purchase $2,000,000 of the applicant's nonvoting, noncumulative and partially participating preferred stock.

The applicant will operate principally in the State of California.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before September 7, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 16, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 75–26012 Filed 8–22–79; 8:45 am]

BILLING CODE 8025–01–M

[Proposed License No. 09/09-0232]

California Partners; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (CFR 107.102 (1979)) by California Partners, a limited partnership, Two Palo Alto Square, Suite 700, Palo Alto, California 94304, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. et seq.).

The Applicant has changed its structure from that of a corporation (formerly Draper Associates, Inc. (FR, Vol. 44, No. 49)) to a limited partnership.

The Proposed General Partner and Limited Partners Owning 10 or More Percent of the Partnership Capital

General Partners

Draper Associates, Inc., Two Palo Alto Square, Suite 700, Palo Alto, California 94304. 1 percent ownership interest in the Partnership.

William H. Draper III, 91 Tallwood Court, Atherton, California 94025. President, Director 100 percent.

Phyllis C. Draper, 91 Tallwood Court, Atherton, California 94025. Vice President, Chief Financial Officer and Director.

James C. Gaither, 37 Southwood Avenue, Ross, California 94957. Secretary, Director.

Limited Partners

Polly C. Draper, 91 Tallwood Court, Atherton, California 94025. 33 percent.

Rebecca S. Draper, 2548 Hyde Street, San Francisco, California 94109. 33 percent.

Timothy C. Draper, 91 Tallwood Court, Atherton, California 94025. 33 percent.

The Applicant will begin operations with initial private capital of $500,000. The Applicant recognizes the need for both equities and loans. However, the Applicant will, as much as it is practical, emphasize equity investments with particular attention to growth potentials. The President of the Applicant's General Partner was formerly President of Sutter Hill Capital Corporation, an SBIC which surrendered its license on September 4, 1975.

Matters involved in SBA's consideration of the application include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing would be in the furtherance of the Act.

Notice is hereby given that any person may not later than (10 days of publication of this Notice) submit written comments to the Acting Associate Administrator for Finance and Investment, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Palo Alto, California.

(Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies).

Dated: August 16, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-26011 Filed 8-22-79; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Meeting; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Lower Rio Grande Valley, Texas, will hold a public meeting at 9:30 a.m., Tuesday, September 11, 1979, at the First National Bank in the Community Room, 222 E. Van Buren, Harlingen, Texas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call James R. Woodall, District Director, U.S. Small Business Administration, 222 E. Van Buren, Harlingen, Texas 78550—(512) 734-4533.

Dated: August 17, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-26008 Filed 8-22-79; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Meeting; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, will hold a public meeting at 9:00 a.m., on Friday, September 14, 1979, at the Riverside Country Club, 2701 N. University Avenue, Provo, Utah, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others attending.

For further information, write or call W. Grant Evans, Assistant District Director for Fianance & Investment, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138—(801) 524-5804.

Dated: August 17, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-26009 Filed 8-22-79; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting; Public Meeting

The Small Business Adminstration Region IX Advisory Council, located in the geographical area of Los Angeles, California, will hold a public meeting at 12:00 noon, Wednesday, September 26, 1979, at the Taix Les Freres French Restaurant, 1911 West Sunset Boulevard, Los Angeles, California, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For luncheon reservations and further information, write or call Stewart L. Rollins, District Director, U.S. Small Business Administration, 350 South Figueroa Street, Suite 600, Los Angeles, California 90071—(213) 688-2977.

Dated: August 17, 1979.

K. Drew,

Deputy Advocate for Advisory Councils

[FR Doc. 79-26010 Filed 8-22-79; 8:45 am]

BILLING CODE 8025-01-M

White House Conference on Small Business

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix I), announcement is made of the following national commission meeting.

Small Business Conference Commission; Meeting

September 13, 1979—2:00 p.m.-3:30 p.m., Room 2010, New Executive Office Building, 726 Jackson Place, Northwest, Washington, D.C.

Open Meeting

Purpose: The Small Business Conference Commission was established by Executive Order to provide advice with respect to the holding of a White House Conference on Small Business in early 1980. In pursuit of the goal of a strong small business community, the Commission shall recommend issues to be considered by the Conference including those related

to fostering of small business and the expansion of opportunities for entry into small business enterprises. The Commission shall make recommendations for legislative and policy changes primarily based upon the findings of the White House Conference on Small Business.

Agenda: The Commission shall address the above issues and review the progress of research task forces in addition to other Commission business.

Contact: Heidi Hanson, Executive Assistant to the Director, White House Conference on Small Business, 730 Jackson Place, NW, Washington, DC 20006.

Please write before September 13, 1979, if you wish to attend this meeting. Attendance by the public will be limited to space available.

Summaries of the transcript of the meeting will be made available to the public upon request at cost.

Dated: August 17, 1979.

K. Drew,

Deputy Advocate for Advisory Councils, U.S. Small Business Administration.

[FR Doc. 79-26007 Filed 8-22-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Agency for International Development

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twenty-seventh meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on September 11 and 12, 1979.

The purpose of the meeting is to review progress in planning the Collaborative Research Support Programs (CRSPs) for Nutrition (Functional Implications of Marginal Deficiencies in Diets), for Bean/Cow Pea, for Integrated Crop Protection, for Peanuts, and for Soil Managment; to review priorities and projections for CRSPs; and to consider changes in composition and roles of JRC to relate to the Institute for Scientific and Technological Cooperation.

The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on September 11 and 12, 1979. The meeting will be held in the Dynasty Room of the Holiday Inn, 1850 N. Ft. Myer Drive, Arlington, Virginia, 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: August 16, 1979.

Erven J. Long

A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 79-26151 Filed 8-22-79; 8:45 am]

BILLING CODE 4710-02-M

[CM-8/217]

Shipping Coordinating Committee: Subcommittee on Safety of Life at Sea; Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea (SOLAS), a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:00 a.m. on Tuesday, September 11, 1979 in Room 8332 of the Department of Transportation, 400 Seventh Street, SW, Washington, DC.

The purpose of the meeting will be to review the report of the 23rd Session and discuss the preparation of the agenda for the 24th Session of the IMCO Subcommittee on Subdivision, Stability and Load Lines.

Requests for further information should be directed to Mr. Edward H. Middleton, U.S. Coast Guard (G-MM/TP24), Washington, DC, telephone (202) 426-2170, or Mr. William Cleary, Jr., U.S. Coast Guard (G-MMT-5/82), telephone (202) 426-2188.

The Chairman will entertain comments from the public as time permits.

John Lloyd, III,

Acting Director, Office of Maritime Affairs, Department of State.

August 16, 1979.

[FR Doc. 79-26019 Filed 8-22-79; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/218]

Shipping Coordinating Committee: Subcommittee on Safety of Life at Sea; Meeting

The working group on radio communications of the Subcommittee on Safety of Life at Sea (SOLAS), a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 1:30 p.m. on September 20, 1979 in Room 8442 of the Department of Transportation, 400 Seventh Street, SW, Washington, DC.

The purpose of the meeting is to prepare position documents for the Twenty-first Session of the Subcommittee on Radio Communications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London, January, 1980. In particular, the working group will discuss the following topics: Survival craft radio equipment; operational requirements for future EPIRBs; operational standards for shipboard radio equipment; and maritime distress system.

Requests for further information should be directed to Lt. R. F. Carlson, U.S. Coast Guard (G-OTM/74), Washington, DC 20590, telephone (202) 426-1345.

The Chairman will entertain comments from the public as time permits.

John Lloyd III,

Acting Director, Office of Maritime Affairs, Department of State.

August 15, 1979.

[FR Doc. 79-26020 Filed 8-22-79; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 683]

Bureau of Oceans and International Environmental and Scientific Affairs; Extension of Comment Period on Draft Environmental Impact Statement

The Department of State has extended the comment period on its Draft Environmental Impact Statement on the Convention on the Conservation of Migratory Species of Wild Animals until September 15, 1979. The initial comment period closed on July 13, 1979.

The extension has been granted to enable recipients of a second printing of the draft statement to comment on it. The draft statement considers the potential environmental effects of a proposed international Convention for conservation of migratory species of wild animals which was negotiated at Bonn in June, 1979.

Copies of the Draft EIS may be obtained by contacting William H. Mansfield, Office of Environment and Health, Department of State, Room 7820, Washington, D.C. 20520 (telephone: 202/632–2418).

August 10, 1979.

Donald R. King,

Acting Deputy Assistant Secretary for Environment, Health and Natural Resources.

[FR Doc. 79–26207 Filed 8–22–79; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 79–112]

Temporary Exemption for CGC Decisive (WMEC–629) From Navigation Light Requirements

AGENCY: Coast Guard, DOT.

ACTION: Notice of Exemption.

SUMMARY: This is to give notice that the Coast Guard finds that the Coast Guard Cutter *Decisive* (WMEC–629), because of special construction, is exempted from complying with Rule 3(e) of the Navigation Rules for Great Lakes and their Connecting and Tributary Waters during its port call at Massena, New York on September 6–8, 1979. Rule 3(e) requires that power-driven vessels of over one hundred feet registered length, when operating on the Great Lakes, carry a white masthead light forward and an additional white light more than fifty feet abaft the forward light. The exemption published in this document will allow the Coast Guard Cutter *Decisive* to comply with this requirement as closely as is feasible.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy E. Foley, Office of Marine Environment and Systems (G–WLE–4/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590, (202) 426–4958.

SUPPLEMENTARY INFORMATION: The Coast Guard Cutter *Decisive* (WMEC–629) is scheduled to visit Massena, New York, September 6–8, 1979 in conjunction with celebrations of the 20th anniversary of the opening of the St. Lawrence Seaway. The Coast Guard Cutter *Decisive* is designed with a helicopter landing platform on the after part of the vessel. As a result of this special construction, the closest feasible compliance with Rule 3(e) (33 U.S.C. 252(e)) that can be achieved is a horizontal separation between the forward masthead light and after range light of 29 feet (8.8 meters).

33 U.S.C. 360 allows the Commandant to exempt Coast Guard vessels from certain statutory provisions, including the position of lights under Rule 3(e), if he finds that vessel to be of special construction, provided the exempted vessel complies with the requirement as closely as feasible. This document finds the Coast Guard Cutter *Decisive* to be of special construction and the horizontal separation between the forward masthead light and after range light of 29 feet (8.8 meters) complies as closely as feasible with Rule 3(e).

In accordance with the preceding, the Coast Guard Cutter *Decisive* is exempted from Rule 3(e) as discussed above during the port call at Massena, New York on September 6–8, 1979, (during transit to and from that port, and during the period of any special operation to which the vessel is assigned during that time) provided, that the masthead light and range light are carried at a minimum horizontal separation of 29 feet (8.8 meters).

August 13, 1979

K. G. Wiman,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 79–26246 Filed 8–22–79; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 134—Electronic Test Equipment for General Application; 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 RTCA Special Committee 134 on Electronic Test Equipment for General Application to be held September 13–14, 1979, in Conference Room 8 A–B, DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C. commencing at 9:00 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Ninth Meeting held June 28–29, 1970; (3) Consideration of Department of Defense Comments on "Recommendations on Bid Samples"; (4) Review and approval of Issue Paper on Effects of Technological Advances on Electronic Test Equipment; (5) Discussion of other Issue Papers presented by Working Groups; and (6) 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 August 13, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 75–26156 Filed 8–22–79; 8:45 am]

BILLING CODE 4910–13–M

Materials Transportation Bureau

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials 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 of the exemptions granted June 1979. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals		
1479-X	DOT-E 1479	Rockwell International Corp., Canoga Park, Calif.	49 CFR 173.315(a)(1)	To ship a nonflammable compressed gas in non-DOT specification cargo tanks. (Mode 1.)
4717-P	DOT-E 4717	Chemplex Co., Rolling Meadows, Ill.	49 CFR 172.101, 173.314(c)	To become a party to Exemption 4717. (See Application No. 4717-P). (Mode 2.)
5749-X	DOT-E 5749	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315(a)	To ship a certain flammable gas in an insulated nickelsteel DOT Specification MC-331 cargo tank. (Mode 1.)
5923-X	DOT-E 5923	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.314	To ship certain flammable and nonflammable gases in DOT Specification 106A500X and 110A500-W multi-unit tank car tanks. (Modes 1,2.)
6016-X	DOT-E 6016	Strate Welding Supply Co., Inc., Buffalo, N.Y.; S. J. Smith Co., Davenport, Iowa; Southern Welding Supply Co., Inc., Bowling Green, Ky.; Huber Supply Co., Mason City, Iowa; Livingston Medical Products Co., Modesto, Calif.; Welding & Cutting Supply Co., Cleveland, Ohio.	49 CFR 173.315(a)	To ship certain nonflammable gases in a non-DOT specification portable tank designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
6113-X	DOT-E 6113	Chemplex Co., Rolling Meadows, Ill..	49 CFR 172.101, 173.315(a)	To ship certain flammable gases in a non-DOT specification cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
6215-X	DOT-E 6215	E. I. du Pont de Nemours & Co., Wilmington, Del.	49 CFR 172.101, 173.315(a)	To ship a nonflammable gas in a non-DOT specification cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
6296-X	DOT-E 6296	Platte Chemical Co., Fremont, Neb.	49 CFR 173.377(g)	To ship certain Class B poisons in DOT Specification 44D multiwall paper bag. (Modes 1,2.)
6571-X	DOT-E 6571	American LNG Co., Oak Brook, ILL.; Chemplex Co., Rolling Meadows, Ill..	49 CFR 172.101, 173.315(a)	To ship certain flammable gases in a non-DOT specification insulated cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
6618-X	DOT-E 6618	Monsanto Co., St. Louis, Mo	49 CFR 173.374(a) 173.365(a)	To ship certain Class B poison in an insulated DOT Specification MC-312 cargo tank. (Mode 1.)
6793-X	DOT-E 6793	Hickson & Welch Ltd., London, England.	49 CFR Parts 173; 46 CFR 90.05-35, 98.35-3.	To ship certain hazardous materials in non-DOT specification portable tanks. (Modes 1, 2, 3.)
6793-P	DOT-E 6793	Associated Container Transportation (Australia) Ltd., Sydney, Australia.	49 CFR Parts 173; 46 CFR 90.05-35, 98.35-3.	To become a party to Exemption 6793. (See Application No. 6793-P.) (Mode 1.)
6826-X	DOT-E 6826	McDonnell Douglas Astronautics Co., Huntington Beach, Calif.	49 CFR 172.92(b), 175.3	To ship a Class B explosive in DOT Specification 15A wooden boxes.(Modes 1, 4.)
6898-P	DOT-E 6898	J. T. Baker Chemical Co., Phillipsburg, N. J..	49 CFR 178.150-4 (a)(1)	To become a party to Exemption 6868. (See Application No. 6898-P). (Modes 1, 2, 3.)
6919-X	DOT-E 6919	Chemplex Co., Rolling Meadows, Ill.	49 CFR 172.101, 173.315(a)	To ship certain flammable gases in a non-DOT Specification insulated cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
6927-X	DOT-E 6927	Dow Chemical Co., Midland, Mich	49 CFR 173.353	To ship certain Class B poisonous liquids in a non-DOT specification portable tank. (Modes 1, 3.)
7010-X	DOT-E 7010	Dow Chemical Co., Midland, Mich. Ameribrom, Inc., New York, N.Y. Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.252(a)	To ship a certain corrosive liquid in non-DOT specification lead lined portable tanks, designed and constructed in accordance with DOT Specification MC-312 with certain exceptions. (Modes 1, 2, 3.)
7052-P	DOT-E 7052	Sangamo Weston, Inc., Atlanta, Ga.; Matsushita Battery Industrial Co., Ltd., Osaka, Japan.	49 CFR 172.101, 173.206(e)(1), 175.3.	To become a party to Exemption 7052. (See Application No. 7052-P. (Modes 1, 2, 3, 4.)
7201-X	DOT-E 7201	Delta Airlines, Inc., Atlanta, Ga	49 CFR 173.24(a), 175.3, 175.85(a).	To carry certain modules or units containing certain nonflammable compressed gases in the cabin of passenger-carrying aircraft. (Mode 5.)
7261-X	DOT-E 7261	Monsanto Co., St. Louis, Mo	49 CFR 173.190(d)	To ship a certain flammable solid in non-DOT specification storage tanks. (Mode 2.)
7603-X	DOT-E 7603	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 172.101, 173.315, 176.76(b).	To ship certain nonflammable gases in non-DOT specification vacuum insulated cargo tank, designed and constructed in accordance with Section VIII of the ASME Code. (Mode 3.)
7616-X	DOT-E 7616	The Kansas City Southern Railway, Co., Kansas City, Mo.	49 CFR 172.204(a), (d)	To allow the use of a statement to aver certification on behalf of shipper to be substituted for the actual certification on shipping papers. (Mode 2.)
7721-X	DOT-E 7721	Applied Equipment Co., Van Nuys, Calif.	49 CFR 173.302(a) (4), 175.3	To manufacture, mark and sell non-DOT specification steel cylinders for shipment of nonflammable nonliquefied compressed gases. (Modes 1, 2, 4.)
7735-X	DOT-E 7735	Rheem Manufacturing Co., Linden, N.J..	49 CFR 173.119	To manufacture, mark and sell certain DOT Specification 34 containers for shipment of flammable liquids. (Modes 1, 2, 3.)
7753-P	DOT-E 7753	FMC Corp., Philadelphia, Pa.; Monsanto Co., St. Louis Mo..	49 CFR 173.190(b)(2)	To become a party to Exemption 7753. (See Application NO. 7753-P). (Modes 1, 2, 3.)
7840-P	DOT-E 7840	General Dynamics, Fort Worth, Tex.	49 CFR 173.87, 175.3, 176.83	To become a party to Exemption 7840. (See Application No. 7840-P). (Modes 1, 2, 3, 4, 5.)
7846-P	DOT-E 7846	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.314(c)	To become a party to Exemption 7846. (See Application No. 7846-P). (Modes 1, 3.)
7853-P	DOT-E 7853	Roymal Coating and Chemical Co., Inc., Newport, N. H.	49 CFR 173.127, 173.184, 178.224.	To become a party to Exemption 7853. (See Application No. 7853-S). (Modes 1, 2, 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewals—Continued		
7876-X	DOT-E 7876	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.299(a), 175.3	To ship corrosive materials described as etching acid, liquid. (Modes 1, 2, 3, 4.)
7924-P	DOT-E 7924	Panasonic Co., Secaucus, N.J.; Matsushita Battery Industrial Co., Ltd., Osaka, Japan.	49 CFR 173.206, 175.3	To become a party to Exemption 7924. (See Application No. 7924-P). (Modes 1, 2, 3, 4, 5.)
7950-X	DOT-E 7950	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.154(a)(9)	To transport dinitrophenol wet with 10 percent water in fiber drums. (Modes 1,2.)
7983-P	DOT-E 7983	Sanyo Electric Inc., Little Ferry, N.J.; Sharp Electrics, Corps., Paramus, N.J.; Panasonic Co., Secaucus, N.J.; Matsushita Battery Industrial Co., Ltd., Osaka, Japan.	49 CFR Part 107, Appendix B; Parts 171-178.	To become a party to Exemption 7983. (See Application No. 7983-P) (Modes 1, 2, 3, 4, 5.)
8005-P	DOT-E 8005	Container Luzern, Mannheim, West Germany.	49 CFR 173.266	To become a party to Exemption 8005. (See Application No. 8005-P). (Modes 1, 2, 3.)
8189-X	DOT-E 8189	Shell Oil Co., Houston, Tex	49 CFR 173.358(a)(12), (14)	To ship a Class B poison in DOT Specification MC-311 tank motor vehicles; and 6D/2SL packaging. (Mode 1.)
7620-X	DOT-E 8203	W. P. Butterfield (Engineers) Ltd., Shipley, West Yorkshire, England.	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346; 46 CFR 90.05-35.	To ship certain hazardous materials in certain non-DOT specification portable tanks. (Modes 1, 3.)
7620-P	DOT-E 8203	Eastern Mediterranean (Containers) Co., Ltd., London, England; Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346; 46 CFR 90.05-35.	To become a party to Exemption 8203. (See Application No. 8203-P). (Modes 1, 3.)
		New Exemptions		
8086-N	DOT-E 8086	Boeing Aerospace Co.	49 CFR 172.101, 173.87, 173.102, 173.119.	To transport an air launched cruise missile containing various hazardous materials—classed as flammable liquid. (Mode 1.)
8092-N	DOT-E 8092	Dow Chemical Co., Midland, Mich	49 CFR 172.101, 173.154(a)(9)	To authorize a one-time shipment of ammounium persulfate in non-DOT specification fiber drums. (Mode 1.)
8129-N	DOT-E 8129	RAD Service, Inc., Laurel, Md	49 CFR Part 173, Subpart F	To ship certain corrosive liquids in DOT Specification 17H or 6J removable head drums. (Mode 1.)
8134-N	DOT-E 8134	J. T. Baker Chemical Co., Phillipsburg, N.J.	49 CFR 173.268(g)(1);173.269(d)(2).	To ship nitric acid and perchloric acid in DOT 12R boxes having inside glass bottles closed with liner-less polypropylene caps. (Mode 1.)
8140-N	DOT-E 8140	CNG Services, Inc., Pittsburgh, Pa.	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To ship compressed natural gas in DOT Specification 3AA×2400 cylinders made of 4130× steel. (Mode 1.)
8184-N	DOT-E 8184	C.I.L. Chemicals Inc., Southfield, Mich.	49 CFR 173.65	To ship flake TNT in a non-DOT specification composite paper/polyethylene/jute bag. (Mode 1, 2.)
8200-N	DOT-E 8200	Fleming International Airways, Inc., Miami, Fla.	49 CFR 172.101, 175.30, 175.320(a).	To transport one shipment of Class A and Class C explosives loaded aboard the same aircraft. (Mode 4.)

Denials

6793-X—Request by Superintendence Company Inc., New York, N.Y.—To ship certain hazardous materials in non-DOT specification portable tanks, denied June 11, 1979.

7014-X—Request by Eurotainer, Paris, France—To ship vinylpyridine in non-DOT specification stainless steel portable tanks, denied June 25, 1979.

7060-P—Request by Megair, Inc., Bowie, Md.—To become a party to Exemption 7060 to transport radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50 and/or the separation criteria can not be met, denied June 27, 1979.

7956-N—Request by Israel Aircraft Industries, Ltd., Beer Sheba, Israel—To ship liquid methyl bromide in non-DOT specification portable tanks by cargo vessel, motor vehicle and rail freight, denied June 29, 1979.

8114-N—Request by Federal Express Corp., Memphis, Tenn.—To eliminate the words limited quantities" and "cargo-only aircraft" following the basic description on the shipping papers, and in written notification to pilot-in command for loading of hazardous materials, denied June 11, 1979.

Withdrawals

8176-N—Request by Kawecki Berylco Industries, Inc., Boyertown, Pa.—To manufacture, mark and sell non-DOT specification metal lined polypropylene container overpacked in a DOT Specification 21C fiber drum or 17C steel drums for the shipment of germanium tetrachloride, corrosive liquid, n.o.s., withdrawn June 20, 1979.

J. R. Grothe, Chief,

Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-25777 Filed 8-22-79; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

Collision Avoidance Radar Braking System; Notice of Public Briefing

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of public briefing.

SUMMARY: The notice invites the public to attend a briefing on and demonstration of radar braking systems. The National Highway Traffic Safety Administration has contracted with the Bendix Research Laboratories to explore the feasibility of an automatic radar braking system for passenger vehicles. The agency will be briefed by the contractor on the results of its research on Wednesday, August 29, 1979, at 1:30 p.m. in Room 1307, Transpoint Building, 2100 2nd Street, S.W., Washington, D.C. The briefing will be followed by a short demonstration.

FOR FURTHER INFORMATION CONTACT: Yung Wu, Office of Passenger Vehicle Research National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-4881).

Issued on August 21, 1979.

W. H. Close,

Acting Associate Administrator for Research and Development.

[FR Doc. 79-26351 Filed 8-21-79; 11:07 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

Certain Scales and Weighing Machinery From Japan Preliminary Countervailing Duty Determination

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

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Japan has given benefits which may constitute bounties or grants on the manufacture, production, or exportation of certain scales and weighing machinery. If a final determination is not reached prior to December 31, 1979, then in accordance with section 102(a)(2) of the Trade Agreements Act of 1979, it will be made no later than March 17, 1980. Interested persons are invited to comment on this action.

EFFECTIVE DATE: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: David R. Chapman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20220 telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On March 29, 1979 a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the **Federal Register** (44 FR 18781). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Japan upon the manufacture, production or exportation of certain scales and weighing machinery from Japan constitute the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930 as amended (19 U.S.C. 1303) (referred to in this notice as the "Act"). The scales or weighing machinery referred to in that notice enter the United States under item numbers 662.26 and 662.30 of the Tariff Schedules of the United States (TSUS).

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has preliminarily been determined that certain programs of the Government of Japan provide benefits to manufacturers and/or exporters of the subject merchandise which may constitute bounties or grants within the meaning of section 303 of the Act. These benefits have been conferred under the following programs:

(1) A five year deferral of income taxes to be paid on export earnings through the operation of the Overseas Market Development Reserve (OMDR). Additional information is required in order to determine the benefits derived from this program.

(2) Export promotional assistance from the Japan External Trade Organization (JETRO). This assistance is general in nature and not oriented to the export promotion of specific products. Treasury has, in past determinations, determined that this program results in the payment or bestowal of a bounty or grant on the grounds that these activities, at least indirectly, defray costs which would otherwise be incurred by the exporters involved and to that extent may subsidize the industry under consideration. However, information has been presented indicating that JETRO has altered its activities to include the promotion of imports into Japan. The changed nature of JETRO's overall mission, particularly its activities relating to import assistance and promotion, has led Treasury to reconsider whether JETRO expenditures are countervailable. While this form of assistance is preliminary regarded as a bounty or grant, the Treasury invites public comment as to the appropriate resolution of this issue.

It has also been preliminarily determined that certain programs of the Government of Japan do not constitute bounties or grants because the programs are not utilized by members of the industry under investigation. These programs are established under "the Temporary Measures Act for Small and Midsize Businesses with Regard to the High Yen Exchange Market" (High Yen Act). The High Yen Act includes provisions relating to:

(a) Financing at interest rates lower than those commercially available, from the Small Business Finance Corporation, the Central Bank for Commercial and Industrial Cooperatives, and the Peoples Finance Corporation.

(b) Deferred repayment of loans for up to three years for firms which had previously been granted loans under the "Medium and Small Interprises Modernization Financing Assistance Law".

(c) Various government credit guarantees which liberalize coverage limits and reduce premiums for eligible firms.

(d) Provision for carryback of current losses over a three year period, in respect of income, corporate and local taxes.

It has also been preliminarily determined that incentives, such as preferential financing, made by the People's Finance Corporation, the Bank for Commerce and Industrial Co-operatives, and the Small Business Finance Corporation, to small and midsize businesses, do not constitute a bounty or grant, in view of the absence of criteria establishing export performance as a precondition to obtaining such loans combined with the fact that no more than 15 percent of Japanese scales and weighing machinery is exported.

Accordingly, it is preliminarily determined that bounties or grants, within the meaning of section 303 of the Act, are being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of certain scales and weighing machinery from Japan. If the final determination is not made by December 31, 1979, then in accordance with section 102(a)(2) of the Trade Agreements Act of 1979, a final determination will be made no later than March 17, 1980.

Before a final determination is made consideration will be given any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W. Washington, D.C. 20229, in time to be received by his office no later than September 24, 1979. Any request for an opportunity to present views orally should accompany such submission and a copy of all submissions should be delivered to any counsel that has heretofore represented any party to these proceedings.

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

Pursuant to Reorganization Plan number 26 of 1950 and Treasury Department Order no 101-5, May 16, 1979, the provisions of Treasury Department Order no. 165, revised, November 2, 1954 and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty

determination by the Commissioner of Customs, are hereby waived.

David R. Brennan,

Acting General Counsel of the Treasury.

August 16, 1979.

[FR Doc. 79-26210 Filed 8-22-79; 8:45 am]

BILLING CODE 4810—22—M

Certain Valves and Parts Thereof From Japan; Preliminary Countervailing Duty Determination

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

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Japan has given benefits which may constitute bounties or grants on the manufacture, production, or exportation of certain valves and parts thereof. If a final determination is not reached prior to December 31, 1979, then in accordance with section 102(a)(2) of the Trade Agreements Act of 1979, it will be made no later than March 17, 1980. Interested persons are invited to comment on this action.

EFFECTIVE DATE: August 23, 1979.

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

SUPPLEMENTARY INFORMATION: On March 29, 1979, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the **Federal Register** (44 FR 18780). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Japan upon the manufacture, production or exportation of valves and parts thereof from Japan constitute the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as the "Act").

For purposes of this notice, "valves and parts thereof" include taps, cocks, valves, and similar devices, however operated, used to control the flow of liquids, gases, or solids, all the foregoing and parts thereof. The imports of valves from Japan subject to this investigation are classified in the Tariff Schedules of the United States Annotated under item numbers 680.20, 680.22, 680.25, and 680.27.

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been preliminarily determined that certain programs of the Government of Japan provide benefits to manufacturers and/or exporters of the subject merchandise which may constitute bounties or grants within the meaning of section 303 of the Act. These benefits have been conferred under the following programs:

(1) "The Temporary Measures Act for Small and Midsize Businesses with Regard to the High Yen Exchange Market" (High Yen Act) establishes a number of methods by which the Government of Japan provides assistance to small and medium-sized businesses producing the merchandise under investigation:

(a) Preferential financing at rates lower than those commercially available from the Small Business Finance Corporation, the Central Bank for Commercial and Industrial Cooperatives, and the People's Finance Corporation.

(b) Deferred repayment of loans for up to 3 years for firms which had previously been granted loans under the "Medium and Small Enterprises Modernization Financing Assistance Law".

(c) Various government credit guarantees which liberalize the coverage limitations and reduce premiums for eligible firms.

(d) Revision of an existing law to allow eligible firms to carry back losses incurred currently to 3 preceding fiscal years. Furthermore, in order to lessen the burden of local taxes, an eligible firm can carry forward losses to succeeding fiscal periods.

Treasury has reason to believe that due to the nature of the High Yen Act, several large companies exporting the subject merchandise to the United States have not benefited from its provisions. Before making a final determination in this case, further information regarding its use by the companies under investigation will be requested. In addition, information will be sought on the extent of utilization of the program by individual, smaller companies that export these products to the United States.

(2) A 5-year deferral of income taxes to be paid on export earnings through the operation of the Overseas Market Development Reserve (OMDR). Additional information will be required in order to determine the benefits derived from this program.

(3) Export promotional assistance from the Japan External Trade Organization (JETRO). This assistance is general in nature and not oriented to the export promotion of specific products. Treasury has, in past determinations, determined that this program results in the payment or bestowal of a bounty or grant on the grounds that these activities, at least indirectly, defray costs which would otherwise be incurred by the exporters involved and to that extent may subsidize the industry under consideration. However, information has been presented indicating that JETRO has altered its activities to include the promotion of imports into Japan. The changed nature of JETRO's overall mission, particularly its activities relating to import assistance and promotion, has led Treasury to reconsider whether JETRO expenditures are countervailable. While this form of assistance is preliminarily required as a bounty or grant, the Treasury invites public comment as to the appropriate resolution of this issue.

It has also been preliminarily determined that certain programs of the Government of Japan do not constitute bounties or grants because they are not used by the companies under investigation. These are:

(1) An aspect of the High Yen Act which provides preferential financing from various sources for the building of facilities necessary for conversion of manufacturing operations.

(2) The "Specific Depressed Industries Stabilizing Temporary Measures Law," a special credit fund which guarantees repayment of loans obtained by depressed industries to assist in disposition of idle facilities.

(3) Preferential financing by the Japan Development Bank (JDB).

Accordingly, it is preliminarily determined that bounties or grants, within the meaning of section 303 of the Act, are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of valves and parts thereof from Japan. If the final determination in this case is not made by December 31, 1979, then in accordance with section 102(a)(2) of the Trade Agreements Act of 1979, a final determination will be made no later than March 17, 1980.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than September 24, 1979. Any request for an opportunity to present views orally should accompany such submission and a copy of all submissions should be delivered to any

counsel who has heretofore represented any party to these proceedings.

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

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 101-5, May 16, 1979, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

David R. Brennan,

Acting General Counsel of the Treasury.

August 14, 1979.

[FR Doc. 79-26209 Filed 8-22-79; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Clinical Addition, Medical Center, Oklahoma City, Okla.; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement for the Veterans Administration, Clinical Addition, Medical Center, Oklahoma City, Oklahoma" dated July 1979, has been prepared as required by the National Environmental Policy Act of 1969.

The preferred location of the Clinical Addition is on the existing Veterans Administration Medical Center near the University of Oklahoma Medical School. The Clinical Addition will have new construction and renovated space. The facility will provide the much needed expansion space at the Medical Center for ambulatory care, radiology, cardiac catheterization, multipurpose and nursery education, specialty clinics and pharmacy.

The Final Statement contains the comments received on the draft and responses to those comments, and a summary of expected impacts. The document is being placed for public examination in the Veterans Administration office 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, NW., Washington, D.C. 20420. Single copies of the draft or final statement are available by request to the above office.

Dated: August 17, 1979.

By direction of the Administrator.

Robert D. Vaughn,

Assistant Deputy Administrator for Administration and Logistics.

[FR Doc. 79-26201 Filed 8-22-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decisions Volume No. 134]

Decision-Notice

Decided: August 2, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before September 24, 1979. 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 original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. 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 prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed 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 1, Members, Carleton, Jones, and Joyce.

Agatha L. Mergenovich,

Secretary.

MC 105902 (Sub-22F), filed January 29, 1979. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527. Representative: Russell R. Sage, Suite 400, Overlook Bldg., 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312. 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 Elmira, NY, on the one hand, and, on the other, those points in PA on, east, and north of a line beginning at the NY-PA State line and extending along U.S. Hwy 15 to Harrisburg, PA, then along U.S. Hwy 322 to Downingtown, PA, then along U.S. Hwy 30 to the PA-NJ State line. (Hearing site: Washington, DC.)

Note.—The purpose of this application is to establish Elmira, NY, as an alternate gateway.

MC 140612 (Sub-57F), filed October 16, 1978, and published in the FR issue of December 21, 1978, and republished as corrected. 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, over irregular routes, transporting *such commodities* as are dealt in by grocery and feed business houses (except commodities in bulk), between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, KY, and OH. (Hearing site: St. Louis, MO.)

The purpose of this republication is to clearly show a radial movement.

Note.—Dual operations are at issue in this proceeding.

MC 141914 (Sub-48F), filed December 22, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108–A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molded paper and expanded plastic products*, from the facilities of Keyes Fibre Company at or near (1) Waterville, ME, to points in MI, IN, IL, WI, MO, KY, and CA; (2) Hammond and Gary, IN, to points in VT, CT, RI, NJ, DE, MD, VA, NC, SC, and FL; and (3) Albertville, AL to points in AR, CA, CO, CT, DE, ID, ME, MD, MA, MI, MT, NE, NV, NH, NJ, NM, NY, OR, PA, RI, SD, UT, VT, WA, WV, WI, and WY. (Hearing site: Portland, ME.)

[FR Doc. 79-26139 Filed 8-22-79; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-119988 (Sub-No. 165) F]

Great Western Trucking Co., Inc., Common Carrier Application (Lufkin, TX); Decision

Decided: July 26, 1979.

Applicant seeks a certificate of public convenience and necessity authorizing, as presented in the **Federal Register** publication, the transportation of such commodities as are dealt in or used by nursery and horticultural stores (except commodities in bulk) from Pine Bluff, AR, and DeKalb, IL, to points the United States (except Alaska and Hawaii). The evidence has been considered under the modified procedure. The application is opposed by Schneider Transport, Inc., and Tran-National Truck, Inc., both motor common carriers. Applicant filed a rebuttal argument.

Pertinent Facts

Strong-lite Products Corporation of Pine Bluff, AR, the supporting shipper, is a manufacturer and distributor of plant media mix (a potting soil consisting of vermiculite, peat moss, and bark), vermiculite, vermiculite products, and mine sealant (a combination of vermiculite and other compounds). The commodities are shipped in bags and on pallets from shipper's facilities at Pine Bluff, AR, and DeKalb, IL, to points throughout the contiguous 48 States. Shipper listed 86 cities in 26 different States as representative customer locations.

Shipper has been tendering five truckloads of traffic each week from Pine Bluff and one each week from DeKalb. Its facilities have not been operating to full capacity because of inadequate carrier service. A 50 percent increase in volume of traffic is expected as the result of the expanding needs of existing customers and the addition of a substantial new customer. If the application is granted, the shipper anticipates tendering the applicant a minimum of four to five truckloads a week.

Shipper has been using the services of Midwestern Distribution, Inc., a non-party motor common carrier. Midwestern has been unable to provide Strong-lite with adequate equipment; shipments have been delayed and sales lost due to the unavailability of service.

Protestants Schneider and Trans-National filed a joint statement in opposition. Neither protestant has been serving the supporting shipper and neither claims the pertinent authority to serve the shipper. Protestants argue that the authority sought is more expensive than required by the shipper, will allow for diversion of protestants' overhead traffic, and will imbalance their operations. Protestants propose limiting the authority to generally plant media mix (potting soil), vermiculite, vermiculite products, and mine sealant from Pine Bluff, AR, and DeKalb, IL to points in the United States, restricted to traffic originating at the facilities of shipper and destined to the named points.

Discussion and Conclusions

We conclude that the application should be granted to the extent set forth in the appendix. Shipper has adequately demonstrated a need for the transportation of its products, plant media mix, vermiculite, vermiculite products, and mine sealant, from its two facilities to points located generally throughout the named destination area. At this juncture, we are compelled to note that the regulatory jurisdiction of this Commission with respect to authorizing motor carrier operations, extends only to operations in interstate or foreign commerce. The evidence of record fails to disclose that movements of the involved shipper's commodities from Pine Bluff to points in Arkansas or from DeKalb to points in Illinois are other than intrastate commerce. Therefore, authority will not be granted from Pine Bluff to points in Arkansas or from DeKalb to points in Illinois. Additionally, a need has not been shown for the transportation of the myriad products dealt in or used by nursery and horticultural stores, the commodity description used in the **Federal Register** publication.

Shipper requires the additional service of an irregular-route carrier capable of providing timed deliveries

and single-line multiple stopoff delivery service. Shipper has experienced service failures at its present depressed level of production, and production is expected to increase by 50 percent. Applicant has the necessary equipment and is otherwise prepared to meet this need.

Protestants have not and will not be participating in the traffic of shipper. They fear the broad scope of the authority sought will lead to diversion of their overhead traffic. However, the commodity description employed in the authority to be granted is more specific than that used in the **Federal Register** publication. The authority granted does not conflict with the authority underlying protestants' summary of representative shipments which they fear will be diverted. Accordingly, the failure to impose the originating at restriction proposed by protestants will not materially adversely affect their interests.

Inasmuch as the commodities for which a need has been shown include commodities not embraced by the original **Federal Register** publication, the authority we grant will be conditioned on the republication of the authority granted in this application. Any interested persons prejudiced by the authority granted may file a petition to intervene in this proceeding during the 30 days following the new publication and no certificate will be issued until the expiration of the 30 day period and disposition of any petitions filed within that time.

We find: The present and future public convenience and necessity require operation by applicant, performing the service described in the appendix, subject to any conditions or restrictions which may be included in the appendix. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. An appropriate certificate should be granted. This decision does not significantly affect the quality of the human environment.

It is ordered: The application is granted to the extent set forth in the appendix. Operations may begin only following the service of a *certificate* which will be issued if applicant complies with the following requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310), and any additional conditions which may be contained in the appendix.

Compliance with these requirements must be made within 90 days after the date of service of this decision or the grant of authority shall be void.

By the Commission Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

Appendix

Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate.

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plant media mix, vermiculite, vermiculite products, and mine sealant* (except commodities in bulk) (1) from Pine Bluff, AR to points in the United States (except Alaska, Arkansas, and Hawaii), and (2) from DeKalb, IL, to points in the United States (except Alaska, Hawaii, and Illinois).

Special condition: Issuance of a certificate in this proceeding is conditional on prior publication in the **Federal Register** of a notice of the authority actually granted. Issuance of a license will be delayed until 30 days after such publication and the disposition of any petitions for leave to intervene filed within that time period.

[FR Doc. 79-26138 Filed 8-22-79; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-78276 (Sub-No. 9); No. MC-78276 (Sub-No. 11)]

Mazzeo & Sons Express, Extension—Baltimore, Md. and Atlanta, Ga.; Wearing Apparel (Hackensack, NJ); Decision

Decided: August 6, 1979.

We have considered the applications and the consolidated record in these proceedings, including: the initial decision of the Administrative Law Judge, the exceptions filed by applicant in both proceedings and by protestant L&M Express Co., Inc., in the Sub-No. 9 proceeding, and applicant's reply to the exceptions of protestant.

The Administrative Law Judge recommended issuance to applicant of certificates authorizing operations substantially as set forth in the appendix to this decision.

Applicant, apparently by mistake, seeks authority to transport wearing apparel, loose, on hangers, when moving *with* wearing apparel in cartons, in mixed shipments. However, Mazzeo lacks the concurrent authority to transport wearing apparel in cartons. Moreover, the evidence supports a grant of wearing apparel without any restrictions or qualifications. Therefore, the grant of authority will be modified accordingly.

The recommended grants of authority will also be rephrased to take notice of the fact that authority to serve a city authorizes service in its commercial zone and express reference to the commercial zone is not necessary.

Applicant seeks authority to tack the two authorities sought in these proceedings to provide a through service. Inasmuch as such a joining would be beneficial to the public and is supported by the evidence presented, it will be authorized.

Otherwise, the pleadings raise no new or material matters of fact or law not adequately considered and properly disposed of by the Administrative Law Judge in the initial decision.

In order to provide proper notice and thereby protect the interest of parties who relied upon the notice of the applications as published without the changes indicated, a notice of the authority actually granted will be published in the **Federal Register** and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of publication. During that period, any proper party in interest may file an appropriate petition for leave to intervene in these proceedings, setting forth in detail the precise manner in which it has been so prejudiced.

We find: The evidence considered in the light of the pleadings does not warrant a result different from that reached by the Administrative Law Judge, except for the modifications described above. The statement of facts, the conclusions, and the findings of the Administrative Law Judge as modified, are proper and correct in all material respects and are affirmed and adopted as our own. Appropriate certificates should be issued after the lapse of 30 days from the date of publication in the Federal Register of a statement of the authority herein granted, and providing that no petitions to reopen or for other appropriate relief are received during such period.

It is ordered: The authority actually granted by this decision shall be subject to prior publication in the **Federal Register**. Each application is granted to the extent set forth in the appendix, and certificates will be issued if applicant complies with the appropriate requirements set forth in the Code of Federal Regulations (49 CFR 1043, 1044, and 1310). Application must comply within 90 days after the date of service of this decision, or the grant of authority in the noncomplying application will be void.

By the Commission, Division 1, Commissioners Stafford, Clapp, and Trantum.

Agatha L. Mergenovich,

Secretary.

Appendix

Authority to conduct the following operations will be issued in appropriate documents. This decision does not constitute authority to operate.

In No. MC–78276 (Sub-No. 9):

To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wearing apparel,* and (2) *materials, supplies and equipment, used in the manufacture and sale of wearing apparel,* when moving with the commodities in (1) above, between Baltimore, MD, Philadelphia, PA, Wilmington, DE, New York, NY, those points in Rockland and Suffolk Counties, NY, not within the New York, NY, commercial zone, and points in New Jersey, on the one hand, and on the other, points in Georgia, North Carolina and South Carolina.

In No. MC–78276 (Sub-No. 11): To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wearing apparel,* between Atlanta, GA, Charlotte, NC, Hialeah and Orlando, FL, Memphis, TN, and Spartanburg, SC, on the one hand, and, on the other points in AL, AK, FL, GA, KY, MI, NC, SC, and TN.

[FR Doc. 79–26137 Filed 8–22–79; 8:45 am]

BILLING CODE 7035–01–M

[I.C.C. Order No. 11–A Under Service Order No. 1344]

Rerouting Traffic

To: All Railroads

Upon further consideration of I.C.C. Order No. 11, and good cause appearing therefor:

It is ordered: I.C.C. Order No. 11 is vacated.

This order shall become effective August 15, 1979, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 10, 1979

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79–26140 Filed 8–22–79; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–26 (Sub-No. 19F)

Southern Railway Company-Discontinuance of Operations—Near Parrish and High Level in (Walker County), Ala.; Findings

Notice is hereby given pursuant to 49 U.S.C. § 10903 that by a Certificate and Decision decided August 8, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB–36 (Sub-No. 2), *Oregon Short Line R. Co.–Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permits the discontinuance of operations by the Southern Railway Company (Southern) on a line of railroad extending from railroad milepost 1.6–ES near Parrish to railroad milepost 6.4–ES at High Level, a distance of approximately 4.8 miles, in Walker county, AL. A certificate of public convenience and necessity permitting discontinuance of operations was issued to the Southern Railway Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I § 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served on or before September 7, 1979. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective October 9, 1979.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 75–26135 Filed 8–22–79; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

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 with 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.

Permanent Authority Decisions

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 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.

Volume No. 132

Decided: July 27, 1979

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 25798 (Sub-373F), filed April 13, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal and poultry feed, fish feed, and corn products*, (a) from Birmingham and Decatur, AL, to points in AR, FL, GA, LA, MS, OK, SC, TN, and TX, and (b) from Springfield, TN, to points in AL, AR, FL, GA, LA, MS, OK, SC, and TX; and (2) *materials and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, in the reverse direction in (1)(a) and (1)(b), respectively. (Hearing site: Birmingham, AL, or Tampa, FL.)

MC 29079 (Sub-98F), filed March 16, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, IN 46901. Representative: Richard H. Streeter, 1729 H St., NW., Washington, D.C. 20006. 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 (a) Roper Outdoor Products, at or near Bradley, IL, and (b) Illinois Birmingham Bolt Co., at or near Kankakee, IL, to points in IN, KY, VA, and WV; and (2) *materials, equipment, and supplies used in the manufacture or distribution of iron and steel articles*, in the reverse direction. (Hearing site: Washington, D.C.)

MC 29079 (Sub-103F), filed April 16, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW., Washington, D.C. 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum wire*, from the facilities of The Essex Group, Inc., at or near Paducah, KY, to Three Rivers, MI.

MC 30089 (Sub-7F), filed April 11, 1979. Applicant: FRANK W. LILLY, INC., P.O. Box 111, Turtle Creek, PA 15145. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry sweetener and bouillion*, from the facilities of Foodways National, Inc., at or near New Paltz, NY, to the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Mechanicsburg and Pittsburgh, PA, under continuing contract(s) with Heinz USA, Division of H. J. Heinz Co., of Pittsburgh, PA. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 48958 (Sub-176F), filed April 9, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (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), from points in Dallas, Tarrant, Wise, Denton, Grayson, Collin, Rockwall, Parker, Kaufman, Johnson, and Ellis Counties, TX, to points in CO. (Hearing site: Dallas, TX.)

MC 50069 (Sub-543F), filed April 13, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, and chemicals*, in bulk, between the facilities of Ashland Oil, Inc., at points in (a) Boyd County, KY, (b) Lawrence County, OH, and (c) Wayne County, WV, 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: Washington, DC.)

Note.—Dual operations may be involved.

MC 52669 (Sub-11F), filed March 19, 1979. Applicant: CARGOCARE

TRANSPORTATION CO., INC., P.O. Box 4433, Rocky Mount, NC 27801. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *materials, equipment, and supplies* used in the manufacture and distribution of unmanufactured tobacco (except cellulose, paper products, and commodities in bulk, in tank vehicles), and (2) *unmanufactured tobacco* when moving in mixed loads with the commodities in (1) above, between points in FL, GA, KY, NC, OH, SC, TN, and VA. (Hearing site: Raleigh, NC.)

MC 56409 (Sub-15F), filed April 16, 1979. Applicant: MAJOR TRANSPORT, INC., Box 204, Highway 135 and Airport Road, Palmyra, WI 53156. 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 (1) *building, insulating, and paving materials*, and (2) *materials and supplies* used in the installation of the commodities in (1) above (except commodities in bulk), from Chicago, Joliet, Waukegan, and Wilmington, IL, to points in WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 57778 (Sub-27F), filed April 16, 1979. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Ave., Detroit, MI 48209. 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, transporting *foodstuffs* (except frozen), (a) from the facilities of Vlasic Foods, Inc., at Memphis, Bridgeport, and Imlay City, MI, to points in IL, IN, IA, KY, MN, KS, MO, NE, NY, ND, OH, PA, SD, WI, and WV, and (b) between the facilities of Vlasic Foods, Inc., at (1) Memphis, Bridgeport, and Imlay City, MI, (2) Millsboro, DE, and (3) Greenville, MS. (Hearing site: Detroit, MI.)

MC 107478 (Sub-45F), filed April 13, 1979. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, High Point, NC 27261. Representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) fiberboard and fiberboard products, (b) accessories and supplies used in the installation of fiberboard products, and (c) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) (a) and (b) above, (except commodities in bulk), between points in Nash County, NC, on the one hand, and, on the other, points in IN, ME, NH, and VT; (2)(a) fiberboard, particleboard, and plywood, and (b) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (2)(a) above, (except commodities in bulk), between points in Sussex County, VA, on the one hand, and, on the other, points in IL, IN, KY, MI, MS, OH, TN, and WI; (3) lumber and particleboard, between points in Patrick County, VA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, LA, and TX; (4) particleboard, fiberboard, and plywood, between points in Granville County, NC, on the one hand, and, on the other, points in those points in the United States in and east of MN, IA, MO, AR, and TX; and (5) particleboard, fiberboard, and plywood, from Towanda, PA, to points in DE, GA, KY, MD, MS, NJ, NC, OH, SC, TN, VA, WV, and DC. (Hearing site: Washington, DC, or Raleigh, NC.)

MC 108119 (Sub-141F), filed April 13, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 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 *dry hydrodesulfurization catalyst*, in drums, from Pasadena, TX, to points in the United States (except AK and HI). (Hearing site: Houston or San Antonio, TX.)

MC 108119 (Sub-142F), filed April 16, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 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 (1) *lift trucks, platforms, and hydraulic working lifts*, and (2) *parts* for the commodities in (1) above, from Santa Fe Springs, CA, to points in WA, OR, ID, MT, ND, SD, and those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 110328 (Sub-16F), filed April 11, 1979. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita Street, York, PA 17402. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, between the facilities of Knouse Foods, Inc., at or near Peach Glen and Orrtanna, PA, on the one hand, and, on the other, Baltimore, MD, restricted to the transportation of traffic having a prior or subsequent movement by water or rail. (Hearing site: Harrisburg, PA.)

MC 112989 (Sub-103F), filed April 16, 1979. Applicant: WEST COAST TRUCK LINE, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt, salt products, and animal feed*, (1) from Salt Lake City and Lake Point, UT, to points in ID, OR, and WA, and (2) from Newark and Union City, CA, to points in AZ, ID, NV, and UT. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 113528 (Sub-40F), filed April 16, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: Joy Stephenson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pipe and pipe fittings*, (except those which because of size or weight require the use of special equipment), from the facilities of Charlotte Pipe & Foundary Company, at Charlotte and Bakers, NC, to points in GA, FL, LA, MS, TX, and those in AL on and north of U.S. Hwy 278. (Hearing site: Charlotte, NC, or Birmingham, AL.)

MC 114028 (Sub-26F), filed April 16, 1979. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 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 *petroleum and petroleum products*, in packages, from Reno and Rouseville, PA, to points in IL, IN, and WI. (Hearing site: Chicago, IL.)

MC 117119 (Sub-733F), filed April 16, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (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), from the facilities of Ralston Purina

Company, at (a) Battle Creek, MI, and (b) Lancaster and Sharonville, OH, to Clearfield, UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 117119 (Sub-734F), filed April 16, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *heating and air conditioning units*, (except those which because of size or weight require the use of special equipment), and (2) *parts and accessories* for the commodities in (1) above (except commodities which because of size or weight require the use of special equipment), from the facilities of Rheem Manufacturing Company, at Ft. Smith, AR, to points in CO, ID, NV, and UT. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 117878 (Sub-15F), filed April 5, 1979. Applicant: DWIGHT CHEEK d.b.a. DWIGHT CHEEK TRUCKING, 4831 East 25th Street, Amarillo, TX 79103. Representative: Thomas F. Sedberry, 801 Vaughn Building, Austin, TX 78701. 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 Swift and Company, at or near (a) Clovis, NM, and (b) Guymon, OK, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Amarillo, TX.)

MC 118089 (Sub-35F), filed April 9, 1979. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Street, 1600 Sherman Street, Denver, CO 80203. 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), from the facilities of Consolidated Pet Foods, Inc., at or near Amarillo, TX, to the facilities of Kal Kan Foods, Inc., at or near Vernon, CA. (Hearing site: Los Angeles, CA, or Lubbock, TX.)

Note.—Dual operations may be involved.

MC 118959 (Sub-211F), filed April 9, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Marc J. Blumenthal, 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) *silica and silica products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Alexander County, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 118959 (Sub-212F), filed April 13, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. 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 *paper and paper products*, (1) from Cairo, IL, to points in the United States (except AK and HI), and (2) from Middletown, OH, to Cairo, IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 119019 (Sub-4F), filed April 16, 1979. Applicant: B. N. M. FERTILIZER TRANSPORT, INC., 6414 E. Houston Road, Houston, TX 77028. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer, and fertilizer ingredients*, between points in TX, on the one hand, and, on the other, points in NM, OK, AR, CO, and AZ. (Hearing site: Houston or Dallas, TX.)

MC 119988 (Sub-198F), filed April 11, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. 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 AR, LA, MS, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC)

MC 123048 (Sub-436F), filed April 9, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *irrigation systems*, from Denver, CO, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Denver, CO, or Chicago, IL)

MC 124078 (Sub-957F), filed April 13, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, in bulk, from Pine Bend and St. Paul, MN, to points in WI. (Hearing site: Des Moines, IA.)

MC 124408 (Sub-13F), filed April 16, 1979. Applicant: THOMPSON BROS., INC., 3604 Hoveland Drive, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 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) *plastic pipe and plastic pipe fittings*, and (2) *materials and supplies* used in the manufacture and installation of the commodities in (1) above, (except liquid commodities in bulk, in tank vehicles), between Fargo, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 125708 (Sub-161F), filed April 10, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd. McLean, VA 22102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *non-ferrous metals and non-ferrous metal products*, (1) from East Point, GA, to points in AL, FL, TX, NC, SC, OH, OK, and LA, and (2) between points in TX, on the one hand, and, on the other, points in VA, WV, OK, KS, MO, AR, LA, MS, AL, GA, FL, NC, SC, TN, KY, PA, IL, IN, OH, MI, IA, NE, and CO. (Hearing site: St. Louis, MO.)

MC 127478 (Sub-17F), filed April 13, 1979. Applicant: WILLIAM M. HAYES

d.b.a. HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. 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), from Cape Canaveral, Plymouth, Miami, and Tampa, FL, to points in IL, IN, MI, OH, and WI. (Hearing site: Atlanta, GA.)

MC 129189 (Sub-2F), filed April 16, 1979. Applicant: WING CARTAGE COMPANY, a corporation, 130 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prestressed concrete building materials*, from Hodgkins, IL, to points in WI. (Hearing site: Chicago, IL.)

MC 133689 (Sub-261F), filed March 5, 1979, previously noticed in **Federal Register** issue of May 11, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs and pet food*, 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 Nabisco, Inc., at or near (a) Chicago, Danville, and Marseilles, IL, (b) Geneva, Beacon, Buffalo, and Niagara Falls, NY, (c) Charlotte, NC, (d) Wrightstown, WI, (e) Columbus, Dayton, and Toledo, OH, (f) Minneapolis, MN, (g) Morristown, IN, (h) Mechanicsburg, Philadelphia, and Pittsburgh, PA, (i) Richmond, VA, (j) Carthage and St. Louis, MO, (k) Mansfield and Cambridge, MA, (l) Fair Lawn and Moonachie, NJ, (m) Morrow and Woodbury, GA, and (n) Jacksonville, FL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA. (Hearing site: St. Paul, MN.)

Note.—This republication adds Dayton, OH, to the territorial description.

MC 133689 (Sub-263F), filed April 10, 1979 Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *vehicle ramps and vehicle stands*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials equipment, and supplies* used in the manufacture, sale, and service of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of Mark Fore, Vatco Ind., at or near (a) Boston, MA, and (b) Waterville, MN, 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: St. Paul, MN.)

MC 133689 (Sub-264F), filed April 10, 1979 Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *parts and accessories* for vehicles, and (2) *materials, equipment, and supplies* used in the manufacture and service of the commodities in (1) above (except commodities in bulk), between the facilities of the Ford Motor Company, at or near (a) Jacksonville, TN, (b) Atlanta, GA, (c) Chicago, IL, (d) Louisville, KY, (e) Boston and Springfield, MA, (f) Detroit, Milan, Rawsonville, and Saline, MI, (g) Minneapolis, MN, (h) Kansas City and St. Louis, MO, (i) Mahwah, Metuchen, Pennsauken, Roselle, and Teterboro, NJ, (j) Buffalo and Syracuse, NY, (k) Charlotte, NC, (l) Memphis and Nashville, TN, and (m) Cincinnati, Cleveland, Mansfield, Lorain, and Lima, OH, and (n) Norfolk and Richmond, VA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA. (Hearing site: St. Paul, MN.)

MC 136828 (Sub-29F), filed April 18, 1979. Applicant: COOK TRANSPORTS, INC., 214 South Tenth Street, Birmingham, AL 35233. Representative: Ocie Cook, Jr. (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, and commodities in bulk), between those points on the Mississippi and Tennessee Rivers on and south of the KY–TN State line, points on the Tombigbee River in MS, and points in AL, on the one hand, and on the other, points in AL, AR, LA, MS, FL, GA, TN, and TX. (Hearing site: Birmingham or Montgomery, AL.)

MC 138258 (Sub-5F), filed April 10, 1979. Applicant: JAMES D. WILCOX, P.O. Box 128, Boone, NC 28607. Representative: Douglas W. Greene, P.O. Box 629, Boone, NC 28607. 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, houshold goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Johnson City, Kingsport, and Bristol, TN on the one hand, and, on the other, points in Johnson County, TN, and Ashe, Avery, and Watauga Counties, NC. (Hearing site: Boone or Charlotte, NC.)

MC 138328 (Sub-88F), filed April 16, 1979. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES; P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tires and tubes*, (a) from Des Moines, IA, to points in AZ and CA, and (b) from Hanford, CA, to Des Moines, IA. (Hearing site: Washington, DC, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 138328 (Sub-93F), filed April 16, 1979. Applicant: CLARENCE L. WERNER, d.b.a. Warner Enterprises, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. 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 automotive supply and household appliance stores, between points in KS, MO, IL, OK, TX, LA, MS, AL, GA, FL, TN, and AR, restricted to the transportation of traffic originating at or destined to the facilities of Western Auto Supply Company. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 138469 (Sub-138F), filed April 16, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds* (except commodities in bulk, in tank vehicles,

and filters), from points in Warren County, MS, to points in AR, CA, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, SD, TX, and WI, and (2)(a) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds, filters, and* (b) *materials equipment, and supplies used in the manufacture, sale, and distribution of the commodities in (1) above,* (except commodities in bulk, in tank vehicles), from points in IL, IN, KY, and OH, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Pittsburgh or Philadelphia, PA.)

MC 140829 (Sub-214F), filed April 9, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soap, cleaning compounds, and toilet preparations* (except commodities in bulk, in tank vehicles), from Kansas City, KS, to points in IL, IN, MN, and WI, 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 140829 (Sub-218F), filed April 10, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery products and cough drops,* from the facilities of Luden's, Inc., at or near Reading, PA, to points in AR, CO, IL, IN, KS, LA, OH, OK, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-219F), filed April 10, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper,* from Columbus, OH, to points in MN, MO, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 141108 (Sub-5F), filed April 13, 1979. Applicant: D & C EXPRESS, INC., P.O. Box 746, Wilton, IA 52778. 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 (1) *iron and steel articles,* from the facilities of North Star Steel Company, at or near Wilton, IA, to points in OH and PA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 141489 (Sub-3F), filed April 9, 1979. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal drywall products, and materials, equipment, and supplies* used in the manufacture and distribution of metal drywall products, between the facilities of Phillips Manufacturing Co., at Omaha, NE, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 142288 (Sub-7F), filed April 13, 1979. Applicant: HAMILTON TRUCKING OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, OK 74115. Representative: J. David Geiger (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *silica sand and limestone,* in bulk, in dump vehicles, from points in AR, MO, and TX, to the facilities of Ford Motor Company, Tulsa Glass Plant, at or near Tulsa, OK. (Hearing site: Tulsa or Oklahoma City, OK.)

MC 142368 (Sub-21F), filed April 16, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 97166. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *doors, door frames, shelving, and building woodwork,* from Goleta, CA, to points in the United States (except AK, HI, and CA); (2) *doors and door frames,* from Los Angeles, CA, to points in TX; and (3) *closets* for mobile homes and prefabricated buildings, from San Jacinto, CA, to Waco, TX. (Hearing site: Los Angeles, CA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) [formerly Section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication.

MC 142848 (Sub-9F), filed April 9, 1979. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. 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 *sand,* in bulk, in dump vehicles, from points in IL, to points in IN, KY, MI, NY, OH, PA, WY, TN, and WV. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 143059 (Sub-74F), filed April 13, 1979. Applicant: MERCER TRANSPORTATION CO., a Corporation, 12th and Main Streets, P.O. Box 35610, Louisville, KY 40232. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except commodities in bulk, in tank vehicles), between the Henderson County Riverport Authority Facility, in Henderson County, KY, 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. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 143059 (Sub-75F), filed April 16, 1979. Applicant: MERCER TRANSPORTATION CO., a Corporation, 12th & Main Streets, P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel sheets and steel coils,* from the facilities of Feralloy Corporation, at or near Birmingham, AL, to points in AR, KY, LA, MS, TN, and TX, restricted to the transportation of traffic originating at the named origin. (Hearing site: Louisville, KY, or Washington, DC.)

MC 143188 (Sub-1F), filed April 16, 1979. Applicant: THE G & K HAULING COMPANY, a Corporation, P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *composition board and plywood, and* (2) *accessories and materials* used in the installation, and sale of the commodities in (1) above, from the facilities of Abitibi Corporation, in Lucas County, OH, to points in KY, IL, IN, MI, PA, WI, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 143619 (Sub-7F), filed April 10, 1979. Applicant: PALS BROS. TRUCKING, INC., R.F.D., Alexander, IA 50420. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry feed grade urea*, from the Port Neal Industrial Complex, in Woodbury County, IA, to Ft. Worth and Giddings, TX, under continuing contract(s) with Cargill Incorporated, of Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 1441188 (Sub-3F), filed April 10, 1979. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, (except commodities in bulk and frozen foods), from Chicago IL, to points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC. (Hearing site: Harrisburg, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144189 (Sub-1F), filed April 16, 1979. Applicant: CORPORATE TRANSPORT, INC., 107 7th North Street, Liverpool, NY 13088. Representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of paper and paper products, from Brownville, NY, to Holyoke and West Springfield, MA, Berlin, NH, and Cranston, RI, under continuing contract(s) with Premoid Corporation, of Brownville, NY. (Hearing site: New York, NY.)

MC 145018 (Sub-4F), filed April 13, 1979. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011.To operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by food processing houses, (except commodities in bulk), from the facilities of Welch Foods, Inc., at (a) North East, PA, and (b) Westfield, NY, to points in TX, LA, AR, OK, KS, MS, MO, and NM. (Hearing site: Harrisburg, PA.)

MC 145828 (Sub-1F), filed March 15, 1979. Applicant: RONALD JONES, d.b.a., ALGOMA FARMS, 1762 Leonard Road North, Route 4, Oshkosh, WI 54901. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. To operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting *precast concrete beams, roof decks, joists, double-T's, crypts, and panels*, from Oshkosh and Omro, WI, to points in IL, IA, IN, MI, MN, ND, NE, and SD, under continuing contract with Duwe Precast Concrete Products, Inc., of Oshkosh, WI. (Hearing site: Madison, WI)

MC 146619F, filed April 16, 1979. Applicant: RICHARD E. ARNOLD, 3730 SW 47th Court, Fort Lauderdale, FL 33312. Representative: Eric J. Bergknoff, 511 Biscayne Building, 19 West Flagler Street, Miami, FL 33130. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boats*, between points in AL, FL, GA, IN, LA, KY, MS, OH, TN, and TX. (Hearing site: Miami, FL, or Washington, DC.)

MC 146759 (Sub-1F), filed April 13, 1979. Applicant: RASK TRANSPORTATION, INC., 210 South Street, Victoria, IL 61485. Representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, from Bettendorf, IA, to points in Knox, Peoria, Stark, Mercer, and Henry Counties, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 146969F, filed April 9, 1979. Applicant: STAN KOCH & SONS TRUCKING, INC., 4901 Excelsior Boulevard, St. Louis Park, MN 55416. Representative: Stanley C. Olsen Jr., Suite 329, 4601 Excelsior Blvd., Minneapolis, MN 55416. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chain*, from Baltimore, MD, Chicago, IL, Houston, TX, and Milwaukee, WI, to Cosmos, MN, (2) *rope*, from Chicago, IL, Madison, GA, Milwaukee, WI, and New York, NY, to Cosmos, MN, (3) *wire rope*, from Boston, MA, Chicago, IL, Hoboken, NJ, Houston, TX, and New York, NY, to Cosmos, MN, (4) *fan belts*, from New York, NY to Cosmos, MN, (5) *hooks*, from Cedar Rapids, IA, Chattanooga, TN, Columbus, IN, Cortland, NY, Evart, MI, St. Louis, MO, and Worcester, MA, to Cosmos, MN, (6) *stock tank heaters*, from Geneva, IL, to Cosmos, MN, (7) *salt*, from Hutchinson, KS, to Cosmos, MN, (8) (a) *tow rope, chain, rope, wire rope, fan belts, salt, stock tank heaters, and dog food*, from Cosmos, MN, and (b) *dog food*, from Minneapolis, MN, to points in AR, CT, IL, IN, IA, KS, KY, MA, MI, MO, NE, NJ, NY, ND, OH, OK, PA, SD, TN, TX, and WI. (Hearing site: Minneapolis, MN.)

MC 147068F, filed April 16, 1979. Applicant: ENERGY TRANSPORTERS, INC., 5119 N. 19th Avenue, Phoenix, AZ 85015. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, in tank vehicles, from points in Contra Costa, Kern, Kings, Los Angeles, San Francisco, Santa Barbara, Solano, and Ventura Counties, CA Denver and Mesa Counties CO, Eddy, Lea, McKinley, and San Juan Counties, NM, Bexar, Brazoria, Chambers, Dimmit, El Paso, Ector, Galveston, Gregg, Harris, Howard, Hutchinson, Jefferson, Live Oak, Moore, Nueces, Potter, Smith, Taylor, Tarrant, Titus, and Ward Counties, TX, and Davis and Salt Lake Counties, UT, to points in AZ, under continuing contract(s) with B. S. & W. Energy Corp., of Phoenix, AZ. (Hearing site: Phoenix, AZ.)

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Decided: August 2, 1979.

By the Commission, Review Board Number 1, Members Carleton Jones and Joyce.

MC 2052 (Sub-20F), filed April 26, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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, from the facilities of Spencer Foods, Inc., at or near Fremont and Schuyler, NE, to points in IN and OH. (Hearing site: Omaha, NE.)

MC 32882 (Sub-113F), filed April 26, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel wire rope*, on reels, and fittings for steel wire rope, from the facilities of Macwhyte Wire Rope Company, at or near Kenosha, WI, to points in WA, OR, CA, NV, AZ, UT, NM, CO, ID, MT, and WY, restricted to the transportation of traffic originating at the named origin. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 71593 (Sub-25F), filed April 25, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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 the facilities of Import-Export Shippers Cooperative, Inc., at or near Los Angeles, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) from the facilities of Import-Export Shippers Cooperative, Inc., at Chicago, IL, to points in CT, DE, MD, MA, NJ, NY, PA, and RI. (Hearing site: New York, NY.)

MC 82063 (Sub-106F), filed April 25, 1979. Applicant: KLIPSCH HAULING CO., a Corporation, 10795 Watson Road, Sunset Hills, MO 63127. 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 *liquid chemicals*, in bulk, in tank vehicles, from Brownville, TN, to points in the United States (except AK and HI). (Hearing site: Washington, DC or Memphis, TN.)

MC 103993 (Sub-956F), filed April 11, 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 (1) *hardwood flooring systems and hardwood flooring*, (2) *materials and supplies used in the installation of the commodities named in (1) above*, and (3) *lumber, wood products, and millwork*, (except those commodities described in (1) and (2) above), from points in Iron County, MI, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Green Bay, WI.)

MC 108053 (Sub-160F), filed April 24, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. 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 *meats, packinghouse products*, and commodities used by packing houses as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except dairy products, hides, and commodities in bulk), between the facilities of (1) Lauridsen Foods, Inc., at or near Britt, IA, and (2) Armour and Company, at or near Mason City, IA, on the one hand, and, on the other, those points in the United States in and west of MT, WY, CO, and AZ, (except AK and HI) restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Omaha, NE.)

MC 111812 (Sub-633F), filed April 25, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and frozen foods*, from Omaha, NE, and Council Bluffs, IA, to points in AZ, CA, ID, MT, OR, UT, WA, and those in the United States in and east of MI, IN, KY, TN, and MS. (Hearing site: Omaha, NE.)

MC 114273 (Sub-591F), filed April 26, 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 *bricks*, from Fairbury, NE, to Chicago, IL. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-592F), filed April 26, 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 *chemicals* (except in bulk, in tank vehicles), from Franklinton, NC, to points in IL, IA, and IN. (Hearing site: Chicago, IL or Washington, DC.)

MC 115322 (Sub-172F), filed April 26, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman 425 13th St., N.W., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Queen Anne, MD, and Cheriton, VA, to points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and DC. (Hearing site: Washington, DC.)

MC 115322 (Sub-174F), filed April 26, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 425 13th St., N.W. Suite 1032, Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies* used in the manufacture and distribution of foodstuffs, from points in NJ, PA, and NY, to points in Frederick and Rockingham Counties, VA, and Berkeley and Jefferson Counties, WV. (Hearing site: Washington, DC.)

MC 116763 (Sub-504F), filed April 25, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richter (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such materials, equipment and supplies* as are used in the manufacturing, processing and distribution of paper and paper products (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to the facilities of Bergstrom Paper Co., a Division of P. H. Glatfelter Co., at or near Neenah, WI, and West Carrollton, OH, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI.)

MC 117883 (Sub-245F), filed April 24, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, P.O. Box 62, Versailles, OH 45380. Representative: Neil E. Hannan (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting *such commodities* as are dealt in or used by manufacturers, distributors, and millers of grain and soybean products (except commodities in bulk), between points in CT, DE, IL, IN, IA, KS, KY, MD, MA, ME, MI, MN, MD, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Central Soya Company, Inc. (Hearing site: Dayton, OH, or Washington, DC.)

MC 118142 (Sub-220F), filed April 25, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Bananas*, and agricultural commodities otherwise exempt from regulation when moving in mixed loads with bananas, from Tampa, FL, to points in GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NC, OH, SC, TN, and WI. (Hearing site: Tampa, FL or Washington, DC.)

MC 124692 (Sub-279F), filed April 24, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *general commodities*, (except those of unusual value, commodities in bulk, household goods as defined by the Commission, classes A & B explosives, and those requiring special equipment), between points in the United States, on the one hand, and on the other, ports of entry in AZ, CA, NM, and TX, on the international boundary line between United States and Mexico. (Hearing site: Dallas, TX.)

MC 124692 (Sub-280F), filed April 25, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) (a) *industrial cabs, roll bars and roll over structures*, and (b) *parts and supplies* used in the manufacture and installation of the commodities in (1) (a) above, and (2) *iron and steel articles* (a) from Gurley, NE, and Greeley, CO, to points in IL, and (b) from Gary, IN, to Gurley, NE, restricted to the transportation of traffic originating at or destined to the facilities of the Egging Company, at the named origins in (2)(a) and (b) above. (Hearing site: Denver, CO.)

MC 125433 (Sub-252F), filed April 25, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, 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) *sinks, counter tops, cabinets*, and *vanities*, and (2) *accessories* for the commodities in (1) above, from the facilities of General Marble Corporation, at or near Cucamonga, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA, or Salt Lake City, UT.)

MC 126893 (Sub-4F), filed April 25, 1979. Applicant: BALTIMORE-WASHINGTON EXPRESS SERVICE, INC., P.O. Box 4333, Baltimore, MD 21223. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, in vehicles equipped with mechanical refrigeration (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between the facilities of Baltimore Shippers and Receivers Association, Inc., at Baltimore, MD, on the one hand, and, on the other, those points in the United States in and west of MI, IN, KY, TN, and MS. (Hearing site: Baltimore, MD.)

MC 128273 (Sub-359F), filed April 26, 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 *such commodities* as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products, and plastic products (except commodities in bulk, in tank vehicles), between the facilities of Brown Company at or near Edgely, PA, on the one hand, and, on the other, points in the United States (except AK, HI, and PA), restricted to the transportation of traffic originating at or destined to the facilities of Brown Company. (Hearing site: Chicago, IL, or Washington, DC.)

MC 134112 (Sub-8F), filed April 23, 1979. Applicant: NATIONAL FREIGHTWAYS, INC., 1923 S. 111th St., Omaha, NE 68144. Representative: Scott T. Robertson, 521 S. 14th St., Suite 500, 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 *hides*, from points in Colfax, Douglas, Dakota, and Sarpy Counties, NE, and Woodbury and Pottawattamie Counties, IA, to points in CA, CT, FL, GA, IL, IN, KY, ME, MA, MD, MI, MN, MO, NH, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, and WI. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 134783 (Sub-51F), filed April 25, 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 *foodstuffs* (except in bulk), from the facilities of Fisher Cheese Company, at or near Wapakoneta, OH, to points in AL, AR, DE, FL, GA, KY, LA, MC, MS, NJ, NY, NC, OK, PA, SC, TN, TX, VA, WV, and DC. (Hearing site: Columbus, OH, or Dallas, TX.)

Note.—The person or persons who it appears may be engaged in common control with another carrier must either file an application under Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 140452 (Sub-18F), filed April 13, 1979. Applicant: ROSE BROTHERS TRUCKING, INC., 2425 U.S. Business Hwy 41 North, Suite 204, Evansville, IN 47711. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. 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, and those requiring special equipment), in bulk, in dump vehicles, between the Henderson County Riverport Authority Facility, in Henderson County, KY, on the one hand, and, on the other, points in AR, IL, OH, IN, TN, KY, and MO. (Hearing site: Louisville, KY, or Evansville, IN.)

MC 145102 (Sub-25F), filed April 25, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 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 *such commodities* as are dealt in by manufacturers, converters, printers, and distributors of paper and paper products

(except commodities in bulk), from Riverside Paper Corporation, at or near Appleton, WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Madison, WI, or Milwaukee, WI.)

MC 146352 (Sub-2F), filed April 17, 1979. Applicant: AVERY TRUCKING CO., INC., P.O. Box 426, Dahlonega, GA 30533. Representative: Tom Rainey, 206 Moores Drive, Dahlonega, GA 30533. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *molded pulp products*, and *materials and supplies* used in the manufacture, packaging, and distribution of molded pulp products, between the facilities of Packaging Corporation of America, at or near (a) Macon, GA, and (b) Griffith, IN, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *molded pulp paper products, plastic bags, egg cartons, meat trays, corrugated boxes, gummed tape, poultry equipment, poultry supplies, and poultry chemicals, and peat-moss pots*, between the facilities of (a) Packaging Corporation of America, at or near (I) Macon, GA, (II) Griffith, IN, and (III) Latta, SC, (b) Union Camp Corporation, at or near (I) Savannah, GA, and (II) Morristown, TN, (c) St. Regis Container Division of St. Regis Paper Company, at or near (I) Doraville, GA, and (II) Jacksonville, FL, (d) Mobile Chemical Company, at or near Covington and Conyers, GA, (e) International Paper Company, at or near (I) Statesville, NC, (II) Georgetown, SC, (III) Auburndale, FL, and (IV) Murfreesboro, TN, (f) Diamond International Corporation, at or near (I) Atlanta, GA, and (II) Natchez, MS, (g) Summit Container Corporation, at or near Lexington, SC, (h) Container Corporation of America, at or near Chattanooga, TN, (i) Keyes Fiber Company, at or near (I) Memphis, TN, (II) Hammond, IN, (III) New Iberia, LA, (IV) Waterville, ME, and (V) Troy, OH, and (j) Kuhl Corporation, at or near Flemington, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Charlotte, NC.)

MC 146622 (Sub-1F), filed April 16, 1979. Applicant: R. LEON PETERSON TRUCKING, INC., 835 North 600 West Spanish Fork, UT 84660. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *resin coated sands and chemicals* and (2) *such commodities as are used by foundries*, (except those described in (1) above and commodities in bulk), (1) from points in OH, PA, WV, IN, MI, IL, WI, IA, MO, KS, WY, SD, and NV, to points in CO, UT, and AZ, and (2) between points in AZ, CO, and UT, under continuing contract with Waterton Sand and Clay, Inc., of Lindon, UT. (Hearing site: Salt Lake City, UT.)

MC 146962F, filed March 8, 1979. Applicant: MULDER TRUCKING COMPANY, a Corporation, Prinsburg, MN 56281. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cement*, from points in IA, NE, ND, SD, and WI, and the ports of entry on the international boundary line between the United States and Canada, to points in MN; and (2) *fly ash*, from Big Stone City, SD, to points in MN; and (3) *contractors' machinery, equipment and supplies*, between points in IA, IL, MN, MT, NE, ND, SD, WI, and WY. (Hearing site: Minneapolis or St. Paul, MN.)

MC 146972F, filed April 25, 1979. Applicant: BLUE STAR TRUCKING, INC., 140 Jackson Ave., Edison, NJ 08817. Representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. 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, commodities in bulk, household goods, as defined by the Commission classes A and B explosives, and those requiring special equipment), between (1) New York, NY and (2) the facilities of Tri-Corp. Industries, Inc., at or near Edison, NJ, on the one hand, and, on the other, points in DE, NJ, DC, and those points in CT on and west of Interstate Hwy 91, those in NY on, south and east of a line beginning at the NY-MA state line and extending over Interstate Hwy 90 to its junction with U.S. Hwy 15, and then over U.S. Hwy 15 to NY-PA state line, those in PA on and east of a line beginning at the PA-NY state line and extending along U.S. Hwy 15 to junction U.S. Hwy 11, then over U.S. Hwy 11 to the PA-MD state line and those in MD on and east of Interstate Hwy 81, restricted in (1) above to shipments having a prior or subsequent movement by water. (Hearing site: New York, NY.)

MC 111422 (Sub-10F), filed April 10, 1979. Applicant: O. D. ANDERSON, INC., Conneaut Lake Rd., Greenville, PA 16125. Representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, DC 20005. 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 charter operations, and in special operations, in one-way and round trip sightseeing and pleasure tours, beginning and ending at points in Lorain, Ashland, Wayne, Stark, and Columbiana Counties, OH, and extending to points in the United States (except HI), restricted, in one-way operations only, to the transportation of passengers and their baggage (1) having a subsequent movement by air to the indicated points in OH, or (2) having a prior movement by air from the indicated points in OH. (Hearing site: Cleveland, OH.)

Broker Application

MC 12672 (Sub-2F), filed March 20, 1979. Applicant: BIXLER TOURS, INC., 6812 Wakefield Road, Hiram, OH 44234. Representative: James O. Spencer (Same address as applicant). Authority granted to engage in operation, in interstate or foreign commerce, as a *broker* at Hiram, OH, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special or charter operations, between points in the United States (including AK but excluding HI). Condition: Issuance of this license is subject to prior or coincidental cancellation of applicant's written request of License Nos. MC–12672 and MC–12672 (Sub-No. 1), issued May 26, 1958, and February 19, 1964, respectively. (Hearing site: Cleveland, OH.)

MC 130582F, filed June 25, 1979. Applicant: VIRGINIA ADKINS, d.b.a. ADKINS TRAVEL SERVICE, 323 Withers Circle, Danville, VA 24541. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 327, Arlington, VA 22201. To engage in operations, in interstate or foreign commerce, as a *broker*, at Danville, VA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at Danville and Lynchburg, VA, points in Pittsylvania, Henry, Halifax, and Campbell Counties, VA, and points in Caswell, Rockingham, Guilford, and Alamance Counties, NC, and extending to points in the United States (including AK and HI). (Hearing site: Danville, VA, or Greensboro, NC).

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, NY*, 54 M.C.C. 291 (1952).

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Decided: August 2, 1979.

By the Commission, Review Board Number 2. Members Boyle, Eaton, and Liberman.

MC 682 (Sub-12F), filed April 30, 1979. Applicant: BURNHAM VAN SERVICE, INC., P.O. Box 7966, Columbus, GA 31908. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from Athens, TN, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 4963 (Sub-67F), filed April 26, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E St., N.W., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal articles* and (2) *commodities*, the transportation of which, because of their size or weight, require the use of special equipment, (except metal articles), between points in PA, NY, OH, VA, WV, KY, IN, IL, MI, WI, and MD. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 16903 (Sub-69F), filed April 30, 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 *iron and steel articles*, from the facilities of Jones & Laughlin Steel Corporation, at (a) Youngstown, OH, and (b) Aliquippa and Pittsburgh, PA, to points in CT, MA, ME, NH, RI, VT, those in Dutchess, Orange, Putnam, and Ulster Counties, NY, and those in IN on and south of IN Hwy 28. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 25823 (Sub-8F), filed April 27, 1979. Applicant: WERCH TRUCKING COMPANY, INC., Route 2, Box 113, Berlin, WI 54923. Representative: Michael J. Wyngaard, 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) *boundary products and metal products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above between Berlin, WI, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: Madison or Milwaukee, WI.)

MC 58923 (Sub-54F), filed March 13, 1979, and previously pubished in the **Federal Register** on July 3, 1979. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, SE, P.O. Box 6944, Atlanta, GA 30315. Representative: William W. West (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting (A) over regular routes *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mobile, AL, and Gretna, LA: from Mobile over U.S. Hwy 90 to junction LA Hwy 18, then over LA Hwy 18 to Gretna, and return over the same route; (2) between Jacksonville, FL, and Natchez, MS: from Jacksonville over U.S. Hwy 90 to junction U.S. Hwy 98, then over U.S. Hwy 98 to Natchez, and return over the same route; (3) between Mobile, AL, and Tupelo, MS: from Mobile over U.S. Hwy 45 (also U.S. Hwy 45 Alt.) to Tupelo, and return over the same route; (4) between Columbus, GA, and Vicksburg, MS, over U.S. Hwy 80; (5) between Brunswick, GA, and Natchez, MS, over U.S. Hwy 84; (6) between Savannah, GA, and Greenville, MS: from Savannah over U.S. Hwy 17 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Greenville, and return over the same route; (7) between New Orleans, LA, and Memphis, TN, over U.S. Hwy 61; (8) between LaPlace, LA, and Fulton, KY: from LaPlace over U.S. Hwy 51 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Fulton, and return over the same route; (9) between New Orleans, LA, and Chattanooga, TN, over U.S. Hwy 11; (10) between Gulfport, MS, and Helena, AR: from Gulfport over U.S. Hwy 49 (also U.S. Hwy 49E and U.S. Hwy 49W) to Helena, and return over the same route; (11) between Bay St. Louis, MS, and Baton Rouge, LA: from Bay St. Louis over U.S. Hwy 90 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Baton Rouge, and return over the same route; (12) between Gadsden, AL, and Clarksdale, MS: from Gadsden over U.S. Hwy 278 to junction MS Hwy 6 (also over U.S. Hwy 278 to junction U.S. Hwy 78, then over U.S. Hwy 78 to junction MS Hwy 6), then over MS Hwy 6 to Clarksdale, and return over the same route. (13) between Chattanooga, TN, and junction U.S. Hwy 70 and U.S. Hwy 27 at or near Rockwood, TN, over U.S. Hwy 27; (14) between Knoxville and Nashville, TN: from Knoxville over U.S. Hwy 70 (also U.S. Hwy 70N and U.S. Hwy 70S) to Nashville, and return over the same route; (15) between McMinnville and Chattanooga, TN, over TN Hwy 8; (16) between McMinnville and Dayton, TN: from McMinnville over U.S. Hwy 70S to junction TN Hwy 30, then over TN Hwy 30 to Dayton, and return over the same route; (17) between Livingston, TN, and junction TN Hwy 42 and U.S. Hwy 70 at or near Sparta, TN, over TN Hwy 42; (18) between Jamestown and Crossville, TN, over U.S. Hwy 127; (19) between Jamestown and Livingston, TN, over TN Hwy 52; (20) between McMinnville and Morrison, TN, over TN Hwy 55; (a) serving all intermediate points in connection with (1) through (20) above; (b) serving as off-route points, in connection with (13) through (20) above, points in Cumberland, DeKalb, Putnam, Van Buren and White Counties, TN; and (c) serving as off-route points, in connection with (1) through (12) above, points in AL and MS, those in FL in and west of Hamilton, Suwannee, Gilchrist, and Levy Counties, and those in LA on, east, and north of a line beginning at the LA–MS State line and extending along the Mississippi River to Poydras, LA, then over LA Hwy 46 to Shell Beach, LA; and (B) over irregular routes, *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 points in the commercial zone of New Orleans, LA, (2) between points in the commercial zone of Jackson, MS, (3) between points in the commercial zone of Hattiesburg, MS, (4) between points in the commercial zone of Meridian, MS, (5) between points in the commercial zone of Columbus, MS, (6) between points in the commercial zone of Baton Rouge, LA, (7) between points in the commercial zone of Brunswick, GA, (8) between points in the commercial zone of Savannah, GA, (9) between points in the commercial zone of Jacksonville, FL, and (10) between points in the commercial zone of Nashville, TN. (Hearing site: Atlanta, GA, or New Orleans, LA.)

Note.—(1) Applicant intends to tack the authority sought above with existing regular route authority now held by applicant. (2) The purpose of this republication is to correctly identify the irregular-route portion of the application.

MC 82492 (Sub-237F), filed April 25, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common*

carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Incorporated, at Chicago, IL, to points in IA, KS, KY, MI, MO, NE, OH, and TN, those points in PA on and west of U.S. Hwy 219, and those in NY in and west of Oswego, Onondaga, Cortland, and Broome Counties, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 107012 (Sub-354F), filed April 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic plumbing fixtures, accessories* for plastic plumbing fixtures, and *supplies and equipment* used in the manufacture and distribution of plastic plumbing fixtures, from Walden, GA, to points in IA, KS, MN, NC, ND, SD, VA, and WV. (Hearing site: New York, NY, or Washington, DC.)

MC 107403 (Sub-1190F), filed April 26, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, 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 *industrial lubricants, and metal drawing oils and compounds*, in bulk, in tank vehicles, from Detroit, MI to points in IN, OH, and PA. (Hearing site: Washington, DC.)

MC 107403 (Sub-1191F), filed April 26, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, 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 *cement* from the facilities of Coplay Cement Mfg Co., at or near Nazareth, PA, to points in CT, DE, MD, NJ, PA, VA, NY, OH, MA, RI and DC. (Hearing site: Washington, DC.)

MC 107403 (Sub-1201F), filed April 26, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, 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 the facilities of Union Carbide Corporation, at or near Charleston, WV, to points in AL, AR, CT, DE, FL, GA, KS, KY, LA, MS, NJ, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, and VA. (Hearing site: Washington, DC.)

MC 108382 (Sub-40F), filed April 26, 1979. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between ports of entry on the international boundary line between the United States and Canada at or near Sault Ste. Marie, MI, on the one hand, and, on the other, points in MI, OH, PA, IN, IL, and WI. (Hearing site: Detroit, MI.)

MC 110563 (Sub-268F), filed April 26, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen bakery products*, from (1) Norfolk and Portsmouth, VA, to Saugatuck and Holland, MI, and (2) from Saugatuck and Holland, MI, to points in CO, KS, NE, IA, MN, WI, MO, IL, IN, OH, KY, VA, PA, NY, NJ, DE, MD, CT, MA, ME, VT, NH, RI, NC, SC, and TN. (Hearing site: Detroit, MI or Washington, DC.)

MC 110563 (Sub-274F), filed April 26, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. 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 Buffalo, NY, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Buffalo, NY or Washington, DC.)

MC 112713 (Sub-265F), filed April 26, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), serving Cedar Rapids, IA as an off-route point in connection with the carrier's otherwise authorized operations. (Hearing site: Cedar Rapids, IA, or Des Moines, IA.)

Note.—The person or persons who it appears may be engaged in common control with other carriers must either file an application under 49 U.S.C. § 11343 (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 115322 (Sub-173F), filed April 26, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 425 13th St., NW., Suite 1032, Washington, DC 20004. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, in containers, from points in Baltimore County, MD, to points in NC, SC, GA, and FL. (Hearing site: Washington, DC.)

MC 118263 (Sub-83F), filed April 27, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. 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 chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, IL, IN, KY, MD, MI, MN, MS, MO, NC, NY, NJ, OH, PA, TN, TX, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 123872 (Sub-104F), filed April 26, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AZ, CT, FL, GA, IA, IL, ID, KS,

KY, MD, MN, MO, MT, NJ, NC, ND, NE, NY, PA, SC, SD, TN, TX, UT, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC or Chicago, IL.)

Note.—Dual operations may be involved.

MC 125433 (Sub-243F), filed April 27, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, 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) *iron and steel articles*, and (2) *oil well servicing equipment, oil well drilling equipment, and oil well construction equipment*, between the facilities of Cabot Corporation, at or near Pampa, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 125433 (Sub-250F), filed April 27, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, 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 *expanded polyethylene products* (except commodities in bulk), from the facilities of Packaging Industries of California, at or near Biola, CA, to points in the United States (excluding AK and HI). (Hearing site: San Francisco, or Los Angeles, CA.)

MC 125433 (Sub-251F), filed April 27, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, 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) *lift trucks and hoist trucks*, (2) *tractors* (except truck tractors), and (3) *attachments and accessories* for the commodities in (1) and (2) above, from the facilities of Towmotor Corp., at or near Mentor, OH, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Chicago, IL, or Washington, DC.)

MC 125433 (Sub-253F), filed April 27, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, 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 *steel rolling doors*, from San Francisco, CA, to points ni the United States (excluding AK and HI), restricted to the transportation of traffic originating at the facilities of Cookson Company. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 128273 (Sub-344F), filed April 5, 1978. 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) *paper and paper articles (except commodities in bulk, in tank vehicle), and materials equipment, and* (2) *supplies used in the manufacture or distribution of the commodities in* (1) above (except commodities in bulk, in tank vehicles), between the facilities of Olinkraft, Inc., at or near Kankakee, IL, on the one hand, and, on the other, points in the United States (except AK, HI, and IL), restricted to the transportation of traffic originating at or destined to the above named facilities of Olinkraft, Inc. (Hearing site: New Orleans, LA, or Washington, DC.)

MC 128383 (Sub-83F), filed April 26, 1979. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Representative: Leonard C. Zucker (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Atlanta, GA, New Orleans, LA, and Houston and El Paso, TX, restricted to the transportation of traffic having a prior or subsequent movement by air; and (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and motor vehicles requiring special equipment), (a) between Atlanta, GA, New Orleans, LA, and El Paso, TX, on the one hand, and, on the other, O'Hare International Airport, at Chicago, IL, Newark International Airport, at Newark, NJ, Los Angeles International Airport, at Los Angeles, CA, San Francisco International Airport, at San Francisco, CA, and Oakland, International Airport, at Oakland, CA, and (b) between Atlanta, GA, and New Orleans, LA, on the one hand, and, on the other, Little Rock Municipal Airport, at Little Rock, AR, Tulsa International Airport, At Tulsa, OK, Wiley Post Airport and Will Rogers World Airport, at Oklahoma City, OK, Austin Municipal Airport, at Austin, TX, Waco Municipal Airport, at Waco, TX, San Antonio International Airport, at San Antonio, TX, El Paso International Airport, at El Paso, TX, Kansas City International Airport, at Kansas City, MO, and Memphis International Airport, at Memphis, TN, restricted in (2)(a) and (b) above to the transportation of traffic having a prior or subsequent movement by air. CONDITIONS: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit within 20 days from date of publication indicating why such approval is unnecessary. (Hearing site: Houston, TX, or Washington, DC).

MC 133562 (Sub-38F), filed April 24, 1979. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, IA 51334. Representative: Edward A. O'Donnell, 1004–29th Street, Sioux City, IA 51104. To operate as a *common carrier*, by motor vehicle, in interstate 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 (a) Estherville, IA, and (b) Worthington, MN, to points in AZ, restricted to the transportation of shipments originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 139973 (Sub-69F), filed April 27, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical appliances and electrical equipment, and*, (2) *parts* for the commodities in (1) above between Chattanooga, TN, Madisonville, KY, Searcy, AR, Ripon, WI, and Albion, MI, on the one hand, and on the other, those points in the United States in and west of MT, WY, CO, and NM (except AK and HI). (Hearing site: Kansas City, MO.)

MC 140563 (Sub-28F), filed April 25, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., a Corporation, P.O. Box 321, Conley, GA 30027. 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 *copper tubing*, from Atlanta, GA, Pine Hall, NC, and Richmond, VA, to points in AL, FL, GA, MD, NC, SC, and VA. (Hearing site: Atlanta, GA).

Note.—Dual operations may be involved.

MC 140563 (Sub-29F), filed April 26, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., a Corporation, P.O. Box 321, Conley, GA 30027. 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) *paper and paper products*, from the facilities of Olinkraft, Inc., at or near Albany, GA, to those points in the United States in and east of MN, IA, MO, OK, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 141033 (Sub-52F), filed April 26, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, 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 (1) *carpet strips, molding, staples, tools, nails, adhesives, sealants, solvents, stains and wood preservatives*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from Calexico, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 141823 (Sub-6F), filed April 27, 1979. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, SC 29130. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers and containers closures*, (2) *such commodities as are* dealt *in by manufacturers* and distributors of containers (except containers and container closures) when moving in mixed loads with containers, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted against the transportation of commodities in bulk, in tank vehicles; under continuing contract(s) with Kerr Glass Manufacturing Corporation, of Sand Springs, OK.(Hearing site: Atlanta, GA, or Oklahoma City, OK.)

Note.—Dual operations may be involved.

MC 143503 (Sub-19F), filed April 26, 1979. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. 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 *new furniture and new furnishings*, from Sioux City, IA, to points in Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Merrick, Nance, Boone, Antelope, Knox, Cedar, Pierce, Wayne, Madison, Stanton, Platte, Colfax, Polk, Butler, Saunders, Sarpy, Thurston, Dixon, Dakota, Douglas, Dodge, Washington, Burt and Cuming Counties, NE, and points in Lake, Moody, Hanson, McCook, Minnehaha, Lincoln, Turner, Hutchinson, Douglas, Charles Mix, Bon Homme, Yankton, Clay, and Union Counties, SD. (Hearing site: Sioux City, IA, or Omaha, Ne.)

MC 144233 (Sub-6F), filed April 27, 1979. Applicant: RAJEAN, INC., Highway 64 East, Russellville, AR. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are used in the manufacture and distribution of *auto parts*, between Murfreesboro, TN, 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 (except TN), restricted to the transportation of traffic originating at or destined to the facilities of Perfect Equipment Company. (Hearing site: Little Rock, AR.)

MC 146302 (Sub-4F), filed April 23, 1979. Applicant: ROBERT KOLBECK, d.b.a. KILBECK TRUCKING, Route 1, 3977 County Highway J North, Schofield, WI 54476. Representative: Nancy J. Johnson, 103 East Washington Street, Crandon, WI 54520. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *slabwood and wood residuals*, and (2) *commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. Section 10526(a) (formerly Section 203(b)(6) of the Interstate Commerce Act), in mixed loads with the commodities in (1) above, from points in the Upper Peninsula of MI, to points in WI. (Hearing site: Escanaba, MI, or Madison, WI.)

MC 146332 (Sub-2F), filed April 27, 1979. Applicant: R. YAMADA ENTERPRISES LTD., 6838 135th Street, Surrey, British Columbia, Canada V3W 4W6. Representative: M. E. Gillespie (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *insulation, ceiling, and roofing materials, door casings, and wallboard*, from the ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, WA, to points in WA, OR, and CA, under continuing contract(s) with (1) B. C. Laminates Ltd., of Surrey, British Columbia, Canada, and (2) F. Drexel Co. Ltd., of Burnaby, British Columbia, Canada. (Hearing site: Seattle, WA.)

MC 146412 (Sub-2F), filed April 26, 1979. Applicant: KENTS TRANSPORT LTD., Box 369, Clearwater, British Columbia, Canada V0E 1N0. Representative: Kent Messenger (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *lumber*, from the ports of entry on the international boundary line between United States and Canada, at or near Blaine or Sumas, WA, to Arlington and Seattle, WA, under continuing contract(s) with Laycar Lumber Ltd, of Vancouver, BC, Canada. (Hearing site: Seattle, WA.)

MC 146542 (Sub-1F), filed April 27, 1979. Applicant: EUGENE A. HELLMAN, 119 South Rusk Avenue, Sparta, WI 54656. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from Minneapolis, MN, to Sparta, WI, under continuing contract(s) with Hellman-Dohms Distributors, Inc., of Sparta, WI. (Hearing site: Madison, WI.)

MC 147152 (Sub-1F), filed April 27, 1979. Applicant: GENERAL CARRIERS CORPORATION, 12425 East Florence Avenue, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies* used in the installation and operation of bowling alleys (except commodities in bulk), from the facilities of Brunswick Division, Brunswick Corporation, at Muskegon, MI, to the

facilities of Brunswick Division, Brunswick Corporation, at Anaheim, CA. (Hearing site: Chicago, IL.)

MC 147152 (Sub-2F), filed April 27, 1979. Applicant: GENERAL CARRIERS CORPORATION, 12425 East Florence Avenue, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies* used in the installation and operation of bowling alleys (except commodities in bulk), from the facilities of Brunswick Division, Brunswick Corporation, at Muskegon, MI, to Oakland, CA, and points in AZ, ID, NV, NM, OK, OR, TX, UT, and WA. (Hearing site: Chicago, IL.)

MC 147152 (Sub-3F), filed April 27, 1979. Applicant: GENERAL CARRIERS CORPORATION, 12425 East Florence Avenue, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new pinball machines and new pool, billiard, and game tables*, in containers, from the facilities of Consumer Division, Brunswick Corporation, at Abingdon and Marion, VA, to points in CA, OR, TX, and and WA. (Hearing site: Chicago, IL.)

MC 147153F, filed April 26, 1979. Applicant: KEITH H. POLLEY, 136 East, Bethany, MO 64424. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia*, in bulk, from Creston, IA, to those points in MO on and north of Interstate Hwy 70, under continuing contract(s) with the Olin Corporation of Little Rock, AR. (Hearing site: Kansas City, MO or St. Louis, MO.)

Passenger Authority

MC 147162F, filed April 25, 1979. Applicant: S. HOWARD BUS COMPANY, 399 Bank Street, Fall River, MA 02720. Representative: Arthur M. White, 281 Pleasant Street, Framingham, MA 01701. 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, beginning and ending at Fall River, MA, and extending to points in RI. (Hearing site: Providence, RI, or Boston, MA.)

Passenger Authority

MC 147163F, filed April 25, 1979. Applicant: JOHN BREJACK, d.b.a. MID-FLORIDA COACHES, 330 N.E. 54th Court, Ocala, FL 32670. Representative: Richard McD. Davis, Suite 530, Barnett Bank Bldg., Tallahassee, FL 32301. 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 and special operations, beginning and ending at points in Citrus, Marion, and Hernando Counties, FL, and extending to points in DE, GA, MD, NJ, NY, NC, PA, SC, TN, VA, and DC. (Hearing site: Tampa or Miami, FL.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-26136 Filed 8-22-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 165
Thursday, August 23, 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-238, Amdt. 1; Aug. 16, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the August 20, 1979 meeting agenda.

TIME AND DATE: 10 a.m., August 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 5. Docket 34965—Direct marketing of charters by air carriers (OGC, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 5 is being deleted from the August 20, 1979 calendar in order to allow the staff additional time for coordination. Accordingly, the following Members have voted that agency business requires the deletion of this item from the August 20, 1979 meeting and that no earlier announcement of this deletion was possible:

Chairman Marvin W. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

[S-1661-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 6320-01-M

2

[M-238, Amdt 2; Aug. 16, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the August 20, 1979 meeting agenda.

TIME AND DATE: 10 a.m., August 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 4. Docket 31788—Split all-cargo and split passenger/cargo charters (OGC, BDA, BIA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 4 is being deleted from the August 20, 1979 meeting because Member Schaffer needs additional time to review the case. Accordingly, the following Members have voted that Item 4 be deleted from the August 20, 1979 meeting and that no earlier announcement of this deletion was possible.

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

[S-1662-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 6320-01-M

3

[M-238, Amdt 3; Aug. 20, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the August 20, 1979 meeting agenda.

TIME AND DATE: 10 a.m., August 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: A. Acquisition of Control of Wien Air Alaska by Alaska Airlines, Alaska Northwest Properties, Inc., Ronald F. Cosgrave, Bruce Kennedy, and Keith J. Kennedy (unnumbered notation, BCP).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Because developments in the Alaska Airlines-Wien Air Alaska Acquisition matter occurred on August 17, and came to the Bureau's attention on that date, it was impossible for an Information Memo and accompanying order to be prepared for Board action earlier than last Friday. Additionally, Coordination with BDA, OGC and the Chairman's office made earlier notification impossible. It is necessary that the Board act immediately so that the matter can be investigated before the acquisition gets completed. Accordingly, the following Members have voted that agency business requires the addition of Item A. to the August 20, 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

[S-1663-79 Filed 8-21-79; 8:45 am]

BILLING CODE 6320-01-M

4

[M-239, amdt 1; Aug. 20, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the August 23, 1979 meeting agenda.

TIME AND DATE: 10 a.m., August 23, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 22a. Dockets 30332, Agreements CAB 27769-R5 and -R6; Docket 30777, Agreements CAB 27770-R10 and -R11; Agreements among members of IATA setting interline service charges (memo 9048, BDA, OGC, BIA, BCP).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: At its Sunshine Meeting on August 20, 1979, the Board decided that Item 22a could most effectively be discussed in conjunction with the IATA Show Cause Proceeding scheduled for discussion at the August 23, 1979 meeting and voted to postpone consideration of this item until that time. Accordingly, the following Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey

Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey

Persons Expected To Attend

Board Members: Chairman Marvin S. Cohen; Member Richard J. O'Melia; Member Elizabeth E. Bailey; and Member Gloria Schaffer.
Assistants To Board Members: Mr. David Kirstein; Mr. James L. Deegan; Mr. Daniel M. Kasper; and Mr. Stephen H. Lachter.
Managing Director: Mr. Cressworth Lander.
Executive Assistant To the Managing Director: Mr. John R. Hancock.
Office of the General Counsel: Mr. Philip J. Bakes, Jr.; Mr. Gary J. Edles; and Mr. Daniel D. Campbell.
Bureau of International Aviation: Mr. Sanford Rederer; Mr. Rosario J. Scibilia; Mr. Jerry Nelson; Mr. Ivars V. Mellups; Mr. Richard M. Loughlin; Mr. Regis P. Milan; Ms. Patricia A. Depuy; Mr. Herbert P. Aswall; Mr. Donald Litton; Mr. Francis S. Murphy; and Ms. Mary I. Pett.
Office of the General Director: Mr. Michael E. Levine.
Bureau of Domestic Aviation: Ms. Patricia T. Szrom; Mr. Curtis B. Maloy; and Mr. Kevin J. Kennedy.
Office of Economic Analysis: Mr. Robert H. Frank and Mr. Larry Manheim.
Bureau of Consumer Protection: Mr. Reuben B. Robertson and Mr. William Wentz.
Office of the Secretary: Mrs. Phyllis T. Kaylor; Ms. Deborah A. Lee; and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

[S-1664-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 6320-01-M

5

[M-239, Amdt 2; Aug. 20, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the August 23, 1979 meeting agenda.

TIME AND DATE: 10 a.m., August 23, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

3a. Docket 35139, Proposed amendments to Part 221a, Fare Summaries (memo 9060, OGC, BDA, BCP).

6c. Dockets 32546, 32547, and 33362; Applications of Rich International Airways, Inc. in the Former Large Irregular Air Service Investigation (memo 9044, OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 3a was discussed at the August 20 Board Meeting and the board gave instructions to the staff on the case. It is necessary that this Item be included on the agenda for August 23, 1979 because the 120-day period for action on the petition expires August 22, 1979. At the August 20 Board Meeting the Board considered Item 6c and concluded that it desired the staff to contact the Federal Aviation Administration for a safety evaluation of Rich and to revise the draft order to include a requirement that Rich submit to the Board an illustrative service proposal. So that the Board may complete its consideration of this matter as soon as possible, it voted to reschedule this item for the next Sunshine meeting. Accordingly, the following Members have voted that agency business requires that Items 3a and 6c be placed on the August 23 agenda and that no earlier announcement of these additions was possible:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey

[S-1665-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 6320-01-M

6

[M-239, Amdt. 3; Aug. 21, 1979]

CIVIL AERONAUTICS BOARD.

Notice of change of time for the August 23, 1979 meeting.

TIME AND DATE: 9 a.m., August 23, 1979.

PLACE: Room 1027 (open), room 1011 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Board Meeting will be at 9 a.m. instead of 10 a.m. on August 23, 1979.

[S-1666-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 6320-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

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 its closed meeting held at 2:30 p.m. on Monday, August 20, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than 7 days notice to the public of:

Item No. II. 2. Application of Global Union Bank, New York (Manhattan), New York, for Federal deposit insurance.
Item No. VII. 1. Recommendation regarding the liquidation of assets by the Corporation from Franklin National Bank, New York, N.Y.; the Hamilton National Bank of Chattanooga, Chattanooga, Tenn.; American Bank & Trust Company, New York, N.Y.; and Farmers Bank of the State of Delaware, Dover, Del. (Case No. 43,921-L).
Item No. VII. 6. Legal Division memorandum dated August 1, 1979, in connection with the liquidation of Bank of Woodmoor, Woodmoor (P.O. Monument), Colorado.
Item No. VII. 8. Legal Division memorandum dated August 3, 1979, in connection with the liquidation of United States National Bank, San Diego, Calif.

The Board then determined, on motion of Chairman Sprague, seconded by Director Heimann, that Corporation business required the addition of the following matters to the agenda for consideration at the meeting, on less than 7 days notice to the public:

Application of Community Bank & Trust, Rockdale, Tex., for Federal deposit insurance.
Application of First American Bank of Dade County, North Miami, Florida, for consent to merge with First American Bank of Homestead, Homestead, Florida, and to establish one branch.
Legal Division memorandum dated August 14, 1979, in connection with an appeal from an initial partial denial under the Freedom of Information Act.

The Board further determined, by the same majority vote, that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)), and that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: August 20, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson

Executive Secretary.

[S-1655-79 Filed 8-21-79; 11:01 am]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., Monday, August 27, 1979.

PLACE: Board Room, Sixth floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.
Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers, purchase and assumption transactions, or consolidations: The Lake County National Bank of Painesville, Painesville, Ohio, and the Commercial Bank, Ashtabula, Ohio.
Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Ira L. Hyams, P. C., Jericho, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Morgan, Lewis & Bockius, Philadelphia, Pennsylvania, in connection with the liquidation of Centennial Bank, Philadelphia, Pennsylvania.

J. Randolph Pelter, P. A., North Charleston, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina (two memoranda).

Strasburger & Price, Dallas, Texas, in connection with the receivership of Citizens State Bank, Carrizo Springs, Texas.

Memorandum proposing new regional office quarters for the San Francisco Region.
Reports of committees and officers:

Audit Report: FDIC Financial Statement Presentation (Audit Report dated May 30, 1979).

Minutes of the actions approved by the Committee on Liquidation, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

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.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-1659-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., Monday, August 27, 1979.

PLACE: Board room, sixth floor, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:
Bank of Sidney, Sidney, Arkansas, an operating noninsured bank, for Federal deposit insurance.
Citrus State Bank, a proposed new bank to be located at 919-939 West Badillo Street, Covina, Calif., for Federal deposit insurance.
Andalusia Community Bank, a proposed new bank to be located at 800 6th Avenue East, Andalusia, Illinois, for Federal deposit insurance.
Vista Hills Bank, a proposed new bank to be located at 1790 Lee Trevino Boulevard, El Paso, Tex., for Federal deposit insurance.
Applications for consent to establish a branch:
Imperial Bank of Lakeland, Lakeland, Fla., for consent to establish a branch at the intersection of South Combee Road and Skyview Drive, Unincorporated Polk County (P.O. Lakeland), Florida.
Central Plaza Bank & Trust Co., St. Petersburg, Fla., for consent to establish a branch at 1001 West Bay Drive, Largo, Fla.
Application for consent to acquire assets and assume liabilities and establish branches:
First Bank, New Haven, Conn., for consent to acquire the assets and assume the liability to pay deposits made in the Guaranty Bank & Trust Co., Hartford, Conn., and to establish the five offices of the Guaranty Bank & Trust Co. as branches of First Bank.
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. 44,005-L—American Bank & Trust, Orangeburg, S.C.
Case No. 44,018-SR—American Bank & Trust Co., New York, N.Y.
Case No. 44,019-L—The Hamilton Bank & Trust Co., Atlanta, Ga.
Case No. 44,022-L—Reserve for losses and allotments for insurance expenses—81 open liquidation cases.
Case No. 44,024-L—The Drovers National Bank of Chicago, Chicago, Ill.
Case No. 44,025-SR—American Bank & Trust Co., New York, N.Y.
Case No. 44,029-L—Southern National Bank, Birmingham, Ala.
Case No. 44,033—Farmers Bank of the State of Delaware, Dover, Del.
Case No. 44,035-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.
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)).
Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of a request for records.
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.

[S-1660-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 6714-01-M

10

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Friday, August 31, 1979.

PLACE: Board conference room, sixth floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION: William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone: (202) 254-9430.

Dated: Washington, D.C., August 21, 1979.

National Labor Relations Board.

George A. Leet,

Associate Executive Secretary.

[S-1658-79 Filed 8-21-79; 3:21 pm]

BILLING CODE 7545-01-M

11

OVERSEAS PRIVATE INVESTMENT CORPORATION.

DATE AND TIME: Meeting of the OPIC Board of Directors: Tuesday August 28, 1978 at 9 a.m. (closed portion); 10:30 a.m. (open portion).

PLACE: Offices of the Corporation, seventh floor board room; 1129, 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 10:30 a.m. will be closed to the public. The open portion of the meeting will start at 10:30 a.m.

MATTERS TO BE CONSIDERED: Closed to the public; 9 a.m. to 10:30 a.m.

1. Determination of a Country as an eligible Developing Country for OPIC Programs.
2. Finance Project in African Country.
3. Finance Project in South Asian Country.
4. Finance Project in Latin American Country.
5. Insurance Project in European Country.
6. Insurance Project in East Asia Country.
7. Insurance Project in African Country.
8. Insurance Project in African Country.
9. Insurance Project in Near East Country.
10. Claims Report.

11. Information Reports.

FURTHER MATTERS TO BE CONSIDERED:
Open to the public; 10:30 a.m.

1. Approval of Minutes of Previous Board Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Approval of the OPIC Budget.
4. Allocation of Reserves.
5. Financial Statements.
6. Information Reports.

CONTACT PERSON FOR INFORMATION:
Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 632–1839.

Elizabeth A. Burton,

Corporate Secretary.

August 21, 1979.

[S–1656–79 Filed 8–21–79; 1:28 pm]

BILLING CODE 3210–01–M

12

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of August 27, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, August 28, 1979, at 10 a.m. An open meeting will be held on Thursday, August 30, 1979, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis and Pollack determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 28, 1979, will be:

Formal orders of investigation.
Other litigation matters.
Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Regulatory matter regarding financial instutitions.
Institution of injunctive actions.
Settlement of administrative proceedings of an inforcement nature.
Settlement of injunctive action.
Subpoena enforcement action.
Consideration of amicus participation.
Plan of reorganization.
Chapter X proceeding.
Regulatory matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Thursday, August 30, 1979, at 10 a.m., will be:

1. Consideration of whether the Commission should issue an interpretative release, explaining that Rule 10a–1 under the Securities Exchange Act of 1934 applies to all transactions in reported securities, including transactions executed in the over-the-counter market, reminding persons potentially executing transactions in the over-the-counter market of the necessity of compliance with Rule 10a–1, and emphasizing the responsibility of self-regulatory organizations to assure compliance by their members with Rule 10a–1. For further information, please contact Stephen L. Parker at (202) 755–8949.

2. Consideration of whether the Commission should (1) adopt proposed Rule 434d under the Securities Act of 1933 to permit a new type of investment company advertisement in the form of an abbreviated prospectus, (2) amend Rule 134 under the Securities Act of 1933 to remove an existing provision which limits the use of certain tombstone advertisements to investment companies whose registration statements have become effective, and (3) amend Rule 424 under the Securities Act of 1933 to provide that advertisements under new Rule 434d need not be filed as part of the company's registration statement. For further information, please contact W. Randolph Thompson at (202) 755–1579.

3. Consideration of a rulemaking petition filed by Mr. Edward W. Lane, Jr., pursuant to Rule 4(a) of the Commission's Rules of Practice, to amend Rule 16b–6 under the Securities Exchange Act of 1934 by adding a partial exemption from the liability provisions of Section 16(b) of that Act for transactions involving options to sell the equity securities of an issuer. For further information, please contact Mark J. Bryn at (202) 376–3442.

4. Consideration of whether to issue a release requesting public comments on the quality and desirability of the disclosure made under the existing Guides 61 and 3, "Statistical Disclosure by Bank Holding Companies." For further information, please contact William H. Carter at (202) 376–8090.

5. Consideration of what response to make to the request of the Senate Committee on the Judiciary for the Commission's comments concerning S. 1291, the "Administrative Practice and Regulatory Control Act of 1979," S. 262, the "Reform of Federal Regulation Act of 1979," S. 755, the "Regulatory Reform Act of 1979," and S. 104, the "Regulatory Reduction and Congressional Control Act." These Bills are designed to improve regulatory procedure and would provide for, among other things, regulatory agendas and analyses of proposed rules, procompetitive standards for proposed rules, expedited on-the-record proceedings, periodic rule review, changes in the appointment and tenure of administrative law judges, restructuring of the Administrative Conference, continuing regulatory review, and legislative veto. For further information, please contact Stephen E. Cavan at (202) 376–3561.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Mike Rogan at (202) 755–1638.

August 21, 1979.

[S–1657–79 Filed 8–21–79; 1:28 pm]

BILLING CODE 8010–01–M

federal register

Thursday
August 23, 1979

Part II

Department of Health, Education, and Welfare

Office of Education

Direct Grant Programs: Application Notices for Fiscal Year 1980

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Direct Grant Programs: Application Notices for Fiscal Year 1980

General

The purpose of the application notices in this document is to inform potential applicants of closing dates for transmittal of applications for grants awarded by the U.S. Office of Education, and to provide other information concerning those applications and grants. This notice covers most programs for which grant applications are filed with the Office of Education.

Application Notices Already Published

Application notices that set closing dates for some programs listed in this notice have been published previously. These dates are republished without change so that potential applicants will be provided a single, comprehensive listing of as many program closing dates as possible.

Organization of Notice

This notice contains two parts. Part I includes, in chronological order, the list of all closing dates covered by this notice. Programs that have previously published their closing dates are designated by an asterisk (*). Part II provides the individual application notice for each program. These application notices are in the same order as the closing dates listed in Part I.

A number of direct grant programs are omitted from this notice. These include but are not limited to those programs for which no funds were requested in the President's budget or which are otherwise uncertain of funding in FY 1980.

Instructions in Each Application Notice

Applicants who decide to apply under one or more programs covered by this document should take care to follow the instructions set forth in the application notices for those programs under Part II below. Closing dates and specific procedures vary from program to program. The instructions in each application notice inform potential applicants of (1) closing date for the transmittal of applications; (2) how to obtain application forms; (3) timely mailing of applications, (4) proof of timely mailing; (5) the regulations that govern the program; and (6) other procedures and information.

Timely Mailing of Applications

Applicants should also note that in each case the closing date applies to the date the application is *mailed* or *hand-delivered.* Prior to FY 1979, the Office of Education's practice was to accept mailed applications for new awards only if they were received by the Office of Education on or before the closing date. *However, under the new procedure, a mailed application meets the requirement if it is mailed on or before the pertinent closing date and the required proof of mailing is provided.*

Proof of Timely Mailing

A new change in policy contained in this notice expands the methods of proof of mailing acceptable to the Commissioner. With respect to applications delivered by mail, an applicant must show proof of mailing consisting of one of the following:

(a) A legibly dated U.S. Postal Service postmark;

(b) A legible receipt with the date of mailing stamped by the U.S. Postal Service;

(c) A dated shipping label, invoice, or receipt from a commercial carrier; or

(d) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

The prior OE policy with respect to applications delivered by mail was to accept as proof of timely mailing only a legibly dated U.S. Postal Service postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. The new policy specifically provides for acceptance of applications sent by commercial carrier, and permits the Commissioner to accept other forms of proof of mailing, at his or her discretion.

EDGAR Criteria

The Education Division General Administrative Regulations (EDGAR) were published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

The post-award conditions in EDGAR will govern all awards made after its effective date under all direct, discretionary grant programs of the Office of Education. In addition, Subpart C (How to Apply for a Grant) and Subpart D (How Grants are Made) of EDGAR will apply to FY 1980 applications under many programs in this notice.

The instructions under each program's closing date indicate how EDGAR will apply.

For the convenience of applicants for programs that will be subject to the selection criteria in EDGAR, the proposed EDGAR selection criteria are repeated as follows:

Proposed Edgar Selection Criteria

§ 100a.200 How new projects are selected.

* * * * *

(b) *Discretionary grant programs.* (1) A discretionary grant program is one that permits the appropriate official of the Education Division to select new projects on the basis of the quality of competing applications. To receive a grant under this kind of program, an applicant usually must compete with other applicants.

(2) The appropriate official of the Education Division uses the selection criteria in EDGAR and the specific selection criteria for a program to evaluate each application submitted for a new project under a discretionary grant program.

(3) Sections 100a.202–100a.206 contain the EDGAR selection criteria.

(4) The specific selection criteria for a program are in the implementing regulations for that program. However, if a discretionary grant program does not have specific selection criteria, the program uses the EDGAR criteria alone to evaluate applications. If used alone, the EDGAR criteria are not weighted.

(5) If a discretionary grant program has criteria that are inconsistent with one or more of the EDGAR selection criteria, the implementing regulations for that program identify the EDGAR selection criteria that do no apply.

* * * * *

(20 U.S.C. 1221e-3(a)(1))

§ 100a.201 How to use the selection criteria.

(a) If the selection criteria for a program are not weighted, the appropriate official of the Education Division evaluates each criterion equally.

(b) If the selection criteria for a program are weighted—

(1) The appropriate official of the Education Division assigns in the program regulations a total number of points that an applicant may receive under all of the criteria;

(2) The specific program selection criteria use 70 percent of the total points assigned to the program; and

(3) The EDGAR selection criteria use the remaining 30 percent of the total points assigned to the program.

(c) The last paragraph under each EDGAR selection criterion gives the weight assigned to that criterion under EDGAR. This weight is expressed as a percentage of the total points assigned to the program. To find the number of points assigned to an EDGAR selection criterion under a particular program, use the following steps:

(1) Find the percentage given in the last paragraph of the EDGAR selection criterion in which you are interested.

(2) Find the total number of points assigned to the program in which you are interested.

(3) Multiply the percentage you found under step (1) by the number you found under step (2).

Example: You are interested in finding out how many points the EDGAR selection criterion "Evaluation plan" gets under the bilingual vocational training program. The EDGAR criterion "Evaluation plan" is in § 100.205. Paragraph (c) of that section indicates that the criterion gets 5% of the total number of points used by a program. The bilingual vocational training program is in Subpart 5 of Part 105 of this title. Section 105.606 gives the selection criteria for this program. Section 105.606 indicates that the program has a maximum of 100 points for selection criteria. Multiply 100 by 5% (.05)—the answer is 5 points. This is the number of points that § 100a.205 assigns to "Evaluation plan" under the bilingual vocational training program.

(d) If the selection criteria for a program are weighted, the program regulations may increase, but may not decrease, the weight of an EDGAR criterion. This is done by adding points to the EDGAR selection criterion. The appropriate official of the Education Division uses part of the 70% weight devoted to specific program selection criteria to add weight to an EDGAR criterion.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.202 Selection criterion—plan of operation.

(a) The appropriation official of the Education Division reviews each application for information that shows the quality of the plan of operation for the project.

(b) The official looks for information that shows:

(1) High quality in the design of the project;

(2) An effective plan of management that insures proper and efficient administration of the project;

(3) A clear description of how the objectives of the project relate to the purpose of the program; and

(4) The way the applicant plans to use its resources and personnel to achieve each objective.

(c) Under a program using weighted selection criteria, this criterion is assigned 10 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

§§ 100a.203 Selection criterion—quality of key personnel.

(a) The appropriate official of the Education Division reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(b) The official looks for information that shows—

(1) The qualifications of the project director (if any);

(2) The qualifications of each of the other key personnel used in the project;

(3) The qualifications of any of the following persons who are hired for the project—

(i) Any member of the immediate family of a person on the project staff;

(ii) Any member of the governing body of the grantee; or

(iii) Any member of the immediate family of a person on that governing body.

(4) The time that each person referred to in paragraphs (b) (1)–(3) of this section plans to commit to the project; and

(5) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(c) To determine the qualifications of a person, the official considers evidence of past experience in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) Under a program using weighted selection criteria, this criterion is assigned 7 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

§§ 100a.204 Selection criterion—budget and cost effectiveness.

(a) The appropriate official of the Education Division reviews each application for information that shows that the project has an adequate budget and is cost effective.

(b) The official looks for information that shows:

(1) The budget for the project is adequate to support the project activities; and

(2) Costs are reasonable in relation to the objectives of the project.

(c) Under a program using weighted selection criteria, this criterion is assigned 5 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–(a)(1))

§ 100a.205 Selection criterion—evaluation plan.

(a) The appropriate official of the Education Division reviews each application for information that shows the quality of the evaluation plan for the project.

(b) The official looks for information that shows an objective, quantifiable method of evaluation under § 100a.590.

(c) Under a program using weighted selection criteria, this criterion, is assigned 5 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.206 Selection criterion—adequacy of resources.

(a) The appropriate official of the Education Division reviews each application for information that shows that the applicant plans to devote adequate resources to the project, including resources to meet the needs of persons to be served by the project who are members of groups that have been traditionally underrepresented, such as

(1) Members of racial or ethnic minority groups;

(2) Women;

(3) Handicapped persons; and

(4) The elderly.

(b) The official looks for information that shows:

(1) The facilities that the applicant plans to use are adequate; and

(2) The equipment and supplies that the applicant plans to use are adequate.

(c) Under a program using weighted selection criteria, this criterion is assigned 3 percent of the total number of points to the program.

(20 U.S.C. 1221e–3(a)(1))

Part I.—*New Closing Dates and Closing Dates Announced Previously*

CFDA No.	Program title	Closing date
*13.451	Handicapped Personnel Preparation Noncompeting Continuation Projects	September 17, 1979
	New Projects	October 15, 1979
13.444B	Handicapped Children's Early Education Program—Outreach Projects—Noncompeting Continuation Projects.	October 5, 1979
*13.443A	Student Research—First Cycle	October 12, 1979
	Second Cycle	March 17, 1980
*13.492	Upward Bound—New Projects	October 12, 1979
13.586	Bilingual Vocational Instructor Training Program—New Projects	October 15, 1979
13.444A	Handicapped Children's Early Education Program—New Demonstration Projects.	October 18, 1979
*13.482	Special Services for Disadvantaged Students—New Projects	October 22, 1979
*13.488	Talent Search—New Projects	October 31, 1979
*13.543	Education Opportunity Centers—New Projects	October 31, 1979
*13.443C	Field Initiated Research—New Projects	October 31, 1979
13.443C	Field Initiated Research—Noncompeting Continuation Projects	Variable
13.438, 439, 440, 441	Fulbright-Hays Training Grant Program—New Projects	November 2, 1979
13.558	Bilingual Vocational Training Program—New Projects	November 5, 1979
13.561	Metric Education Program—New Projects	November 14, 1979
13.443D	Handicapped Children's Model Program—New Demonstration Projects	December 3, 1979
13.588	Contract Program for Indian Tribes and Indian Organizations—New Projects	December 3, 1979
13.525, 529, 589, 689, 690	Emergency School Aid—New Projects	December 7, 1979
13.566	Arts Education Program—New Projects	December 14, 1979
13.588	Contract Program for Indian Tribes and Indian Organizations—Noncompeting Continuation Projects.	December 17, 1979
13.564	Consumers' Education Program—New Projects	December 19, 1979
13.552	National Diffusion Network Program—New Projects	January 3, 1980
13.436	Foreign Language and Area Studies Research Program—New and/or Noncompeting Continuation Projects.	January 4, 1980
13.444A	Handicapped Children's Early Education Program—Noncompeting Continuation Demonstration Projects.	January 10, 1980
13.405	Desegregation of Public Education—New Projects	January 15, 1980
13.510	Cooperative Education Program—New Projects	January 16, 1980
13.565A, 13.565B	Women's Educational Equity Act Program—New Projects	January 21, 1980
13.562	Gifted and Talented Children's Education Program—Professional Development New Projects.	January 25, 1980
13.562	Gifted and Talented Children's Education Program for Statewide Planning—New Projects.	January 25, 1980
13.562	Gifted and Talented Children's Education State Administered Program—New Projects.	January 25, 1980
13.416	Teacher Centers Program	January 31, 1980
	New Projects	March 3, 1980
13.416	Teacher Centers Program	January 31, 1980
	Noncompeting Continuation Projects	March 3, 1980
13.576	Strengthening Research Library Resources—New Projects	February 15, 1980
13.576	Strengthening Research Library Resources—Noncompeting Continuation Projects.	February 15, 1980
13.446	Media Research, Production, Distribution, and Training Grant Program—New Projects.	February 18, 1980
13.446	Media Research, Production, Distribution, and Training Grant Program—Noncompeting Continuation Projects.	February 18, 1980
13.599A	Basic Skills Improvement—Basic Skills in the Schools Program—New Projects.	February 29, 1980
13.599B	Basic Skills Improvement—Parent Participation—New Projects	February 29, 1980
13.599C	Basic Skills Improvement—Out-of-School Program—New Projects	February 29, 1980
13.489D	Teacher Corps Program (2nd Year)—Noncompeting Continuation Projects	March 3, 1980
13.563	Community Education Program—New Projects	March 10, 1980
13.443D	Handicapped Children's Model Program—Noncompeting Continuation Projects.	March 13, 1980
13.565A	Women's Educational Equity Act Program—Noncompeting Continuation Projects.	March 13, 1980
13.489C	Teacher Corps Program 1978 (3rd year)—Noncompeting Continuation Projects.	March 25, 1980
Not assigned	Biomedical Sciences Program—New Projects	March 28, 1980
13.444C	Handicapped Children's Early Education Program—State Implementation Grants—Noncompeting continuation Projects.	April 2, 1980
13.444C	Handicapped Children's Early Education Program—State Implementation Grants—New Projects.	April 2, 1980

Part II—Application Notices for Each Program

13.451—Handicapped Personnel Preparation

Closing date: September 17, 1979—Noncompeting Projects; October 15, 1979—New Projects.

Applications are invited for noncompeting continuation projects and new projects under the Handicapped Personnel Preparation Program.

Closing date for transmittal of applications: Applications for noncompeting awards must be mailed or hand delivered by September 17, 1979.

Applications for new awards must be mailed or hand delivered by October 15, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Washington, D.C. 20202. Attention: 13.451.

Proof of mailing must consist of:

(1) A legible U.S. Postal Service postmark;

A legible mail receipt with the date of mailing stamped by the U.S. Postal Service; or

(3) Any other evidence acceptable to the Commissioner, such as dated shipping labels, invoices, or receipts from a commercial carrier.

Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service. Applicants are encouraged to use registered or at least first-class mail.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily, except Saturdays, Sundays, or Federal holidays.

Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Authority for this program is contained in sections 631, 632, and 634 of Part D of the Education of the Handicapped Act.

(20 U.S.C. 1431, 1432, and 1434)

This program issues awards to institutions of higher education, private and other nonprofit training agencies, State education agencies and local education agencies.

The purpose of the awards is to improve the quality and increase the supply of special educators and support personnel at both the preservice and inservice levels.

Available funds: The estimated total amount of funds available under this grant program for Fiscal Year 1980 is $55,375,000 ($42,201,675 for non-competing continuation applications and $13,173,325 for new applications). An estimated 1,000 grants (both non-competing continuation and new) will be awarded with an average grant totaling $55,000.

The funding level and distribution of funds are predicated upon the allotment of funds and may vary according to the final appropriation made available during the year.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Division of Personnel Preparation, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that the narrative portion of the application not exceed 75 pages in length. The Commissioner further urges that only the information required by the application form be submitted.

Applicable regulations: The following regulations apply under this program:

(a) Regulations governing Training Personnel for the Education of the Handicapped (45 CFR Part 121f). Amendments to Part 121f were published in the **Federal Register** on April 19, 1977, 42 FR 20298–20300; and

(b) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a).

However, it is expected that the grant awards made under this program will be subject to the post award provisions of the Education Division General Administrative Regulations (EDGAR). EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When published in final, EDGAR will supersede the Office of Education General Provisions Regulations.

Further information: For further information contact Dr. Jasper Harvey, Director, Division of Personnel Preparation, BEH, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, telephone: (202) 245–9886.

(20 U.S.C. 1431, 1432, 1434)

13.444B—Handicapped Children's Early Education Program—Outreach Projects

Closing date: October 5, 1979.

Noncompeting Continuation Projects.

Applications are invited for noncompeting continuation projects under the Handicapped Children's Early Education Program—Outreach.

Authority for this program is contained in sections 623 and 624 of the Education of the Handicapped Act (20 U.S.C. 1423, 1424).

The purpose of this program is to assist other agencies in meeting the early educational needs of handicapped children.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by October 5, 1979.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.444B, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: The funding level for the Handicapped Children's Early Education Program is expected to be approximately $20 million for Fiscal Year 1980. During previous years of the program, funding for Outreach projects has averaged $80,000 per project.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 6, 1980. They may be obtained by writing to the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S Office of Education, 400 Maryland Avenue, S.W., (Donohoe Building, Room 3100), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education Program (45 CFR Part 121d), and

(b) General Provisions Regulations for Office of Education Programs (45 CFR, Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division use to Get Compliance?).

Further information: For further information contact Dr. William Swan, Acting Chief, Early Childhood Program, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, S.W., (Donohoe Building, Room 3100), Washington, D.C. 20202, Telephone (202) 245–9722.

(20 U.S.C. 1423, 1424)

13.443A—Student Research

First cycle: October 12, 1979.

Second cycle: March 17, 1980.

Applications are invited for new projects for support of research related to education of the handicapped.

Authority for this program is contained in sections 641 and 642 of part E of Education of the Handicapped Act (20 U.S.C. 1441, 1442).

The purpose of this program is to support a broad range of research and research-related projects focusing on the education of handicapped children.

For further information contact: Max W. Mueller, Research Projects Branch, BEH, 400 Maryland Avenue, SW, Washington, DC, 20202, phone (202) 245–2275.

Closing date for transmittal of applications: Applictions for the first cycle awards must be mailed or hand delivered by October 12, 1979. Applications for the second cycle must be mailed or hand delivered by March 17, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.443A, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legibly mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: Approximately $250,000 is available for support of new Student Research projects. Based on a mean grant amount in recent years of

approximately $8,000 we expect that about 30 new grants will be awarded. Most awards have been under $10,000 per year.

Application forms: Further information and application forms are available and may be obtained by writing to the Research Projects Branch, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, S.W. (Donohoe, 3165), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that the narrative portion of the application not exceed twenty (20) pages in length. The Commissioner further urges that only the information required by the application form instructions should be submitted.

Applicable regulations: The following regulations are applicable to this program:

(a) Regulations governing the handicapped education program (45 CFR Parts 121 and 121h). Final regulations for part 121h were published in the **Federal Register** on August 18, 1978.

(b) Office of Education General Provisions Regulation (45 CFR 100 and 100a).

However, it is expected that grant awards made under this program will be subject to the post award provisions of the Education Division General Administrative Regulations (EDGAR) when they become effective. EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When published in final, EDGAR will supersede the Office of Education General Provisions Regulations.

(20 U.S.C. 1441, 1442)

13.492—Upward Bound

losing Date: October 12, 1979.

Applications are invited for new projects under the Upward Bound Program. Applications for National Demonstration projects will not be accepted at this time. A separate Notice of Closing Date will be published at a later date.

Authority for this program is contained in section 417B of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070–1)

This program issues awards to institutions of higher education, combinations of institutions of higher education, and public and private agencies and organizations, and in exceptional cases, to secondary schools and secondary vocational schools.

The purpose of the awards is to assist applicants to carry out projects designed to identify youths, from low-income backgrounds, with inadequate secondary school preparation, and to generate the skills and motivation necessary for eligible enrolleess to complete secondary school and successfully pursue postsecondary educational programs.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by October 12, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.492, Washington, D.C. 20202.

Proof of mailing must consist of:

(1) Legible U.S. Postal Service dated postmark;

(2) Legible mail receipt with the date of mailing stamped by the U.S. Postal Service; or

(3) Any other evidence acceptable to the Commissioner, such as dated shipping label, invoice, or receipt from a commercial carrier.

Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service. Applicants are encouraged to use registered or at least first class mail.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. applicants should check with their local post office before relying on this method.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The applications for new grants will be evaluated competitively under the published funding criteria for new awards—45 CFR 155.8(c). All applications for FY 1980 funds will be treated as new applications. Successful applicants will receive up to three (3) year project period grants.

The Office of Education may not fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting more than one year of funding must submit a detailed work program and budget for the first year and an outline of the work program and a budget summary for each of the additional years.

The Commissioner approves requests for the subsequent years if:

1. The need continues to exist for the services provided by the projects;

2. Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives;

3. The project continues to offer promise of success;

4. All required reports have been received and accepted by the Commissioner; and

5. Funds are available to continue the project.

An Application Preparation Workship(s) will be conducted this Fall. For the time and location of this workship(s) contact the Program Development Branch (see address in section of Further Information). Date(s) and locations(s) will also be published in the Notices section of the **Federal Register.**

Available funds: Approximately $130,000,000 is anticipated to be available for the Special Programs for Students from Disadvantaged Backgrounds in FY 1980. The breakdown for new awards is estimated to be $51,000,000 for Upward Bound, with approximately 390 grants averaging $137,000; $15,300,000 for Talent Search, with approximately 160 grants averaging $95,600; and $45,000,000 for Special Services, with approximately 484 grants averaging $93,000. The Educational Opportunity Centers program will be allocated $6,300,000 to fund approximately 27 grants averaging $233,000.

The processing of applications for new projects will be subject to the availability of funds. These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 13, 1979. They may be obtained by writing to the Division of Student Services and Veterans Programs, Information Systems and Program Support Branch, U.S. Office of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information

packages. The Commissioner suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further suggests that only the information reguired by the application form be submitted.

Applicable regulations: The regulations applicable to this program are:

(a) regulations governing the Upward Bound Program (45 CFR Part 155); and

(b) Office of Education General Provisions Regulations.

(45 CFR 100 and 100a)

However, it is expected that the grant awards made under this program will be subject to the post award provisions of the Education Division General Administrative Regulations (EDGAR). EDGAR was published in proposed form in the Federal Register on May 4, 1979 (44 FR 26298). When published in final, EDGAR will supersede the Office of Education General Provisions Regulations.

Further information: For further information contact the Program Development Branch, Division of Student Services and Veterans Programs, U.S. Office of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 245–2511.

(20 U.S.C. 1070d–1070d–1)

13.586—Bilingual Vocational Instructor Training Program

Closing Date: October 15, 1979.

Applications are invited for new projects under the Bilingual Vocational Instructor Training Program.

Authority for this program is contained in Sections 181 through 187 of the Vocational Education Act of 1963, as amended by the Education Amendments of 1976.

This program issues awards to State agencies, public and private nonprofit educational institutions, and private for profit educational institutions.

The purpose of the awards is to provide training programs for instructors who possess both the job knowledge and skills and the dual language capabilities required for instruction in vocational education programs for persons of limited English-speaking ability.

Closing date for transmittal of applications: An application for a grant must be mailed or hand-delivered by October 15, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.586, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Applications are accepted from:

(1) State agencies;

(2) Public and private nonprofit educational institutions; and

(3) Private for profit educational institutions.

Twenty-five percent of the funds available under Section 183 of the Act may be used by the Commissioner to award grants or contracts for the cost of operating programs designed to carry out the purposes set forth in Section 186 of the Act.

All awards will be new; no funds are reserved for continuation awards. A request for funding by an applicant who has had a prior award should include an evaluation of the prior award.

Awards are for a one year duration.

Available funds: It is expected that approximately $700,000 will be available for the Bilingual Vocational Instructor Training Program in FY 1980.

It is estimated that these funds could support 3 new projects.

The anticipated award for each new project will be $233,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 9, 1979. They may be obtained by writing to the Demonstration Branch, U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 25 pages in length. The Commissioner further urges that applicants not submit information that is not required.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Bilingual Vocational Instructor Training Program (45 CFR Part 105, Sections 611–617); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR:

Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?);

Subpart F (What Are the Administrative Responsibilities of a Grantee?);

and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. Doris V. Gunderson, Chief, Demonstration Branch, Bilingual Vocational Training Program, U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW, Washington, D.C. 20202, Telephone: (202) 245–2614.

(20 U.S.C. 2414; 45 CFR Part 105)

13.444A—Handicapped Children's Early Education Program—Demonstration Projects

Closing date: October 18, 1979.

Applications are invited for new demonstration projects under the Handicapped Children's Early Education Program.

Authority for this program is contained in Section 623 and 624 of the Education of the Handicapped Act (20 U.S.C. 1423, 1424).

The purpose of this program is to support experimental demonstration activities which can provide innovative and effective means of serving preschool handicapped children and their families and to develop models which others can use.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by October 18, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center. Attention: 13.444A, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Post Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Satu rdays, Sundays and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: Approximately $2,600,000 is available for support of new demonstration projects. The approximate number of new demonstration awards is 40. Funding for new demonstration projects has averaged between $60,000 and $70,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 17, 1979. They may be obtained by writing to the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, S.W., (Donohoe, Room 3100), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education Program (45 CFR, Part 121d); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR, Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are The Administrative Responsibilities of a Grantee?); and Subpart G (What Procedure Does the Education Division Use to Get Compliance?)

Further information: For further information contact the Handicapped Children's Early Education Program, U.S. Office of Education, (Donohoe, Room 3100). 400 Maryland Avenue, S.W., Washington, 20202, Telephone (202) 245–9722.

(20 U.S.C. 1423, 1424)

13.482—Special Services for Disadvantaged Students

Closing date: October 22, 1979.

Applications are invited for new projects under the Special Services for Disadvantaged Students Program. Applications for National Demonstration projects will not be accepted at this time. A separate Notice of Closing Date will be published at a later date.

Authority for this program is contained in section 417B of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070d–1)

This program issues awards to institutions of higher education and combinations of institutions of higher education.

The purpose of the awards is to assist applicants to carry out projects designed to provide remedial and other special services for students with academic potential who are enrolled or accepted for enrollment at an institution which is a beneficiary of a Special Services grant and who by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of such services to assist them to initiate, continue, or resume their postsecondary education.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by October 22, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.482, Washington, D.C. 20202.

Proof of mailing must consist of:

(1) Legible U.S. Postal Service dated postmark;

(2) Legible mail receipt with the date of mailing stamped by the U.S. Postal Service; or

(3) Any other evidence acceptable to the Commissioner, such as dated shipping label, invoice, or receipt from a commercial carrier.

Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service. (NOTE: The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.) Applicants are encouraged

to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The applications for new grants will be evaluated competitively under the published funding criteria for new awards—45 CFR 157.6(c). All applications for FY 1980 funds will be treated as new applications. Successful applicants will receive up to four (4) year project period grants.

The Office of Education may not fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting more than one year of funding must submit a detailed work program and budget for the first year and an outline of the work program and a budgetary summary for each of the additional years.

The Commissioner approves requests for subsequent years if:

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives;

(3) The project continues to offer promise of success;

(4) All required reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

An Application Preparation Workshop(s) will be conducted this Fall. For the time and Location of this workshop(s) contact the Program Development Branch (see address in section of Further Information). Date(s) and Location(s) will also be published in the Notices section of the **Federal Register.**

Available funds: Approximately $130,000,000 is anticipated to be available for the Special Programs for Students from Disadvantaged Backgrounds in FY 1980. The breakdown for new awards is estimated to be $51,000,000 for Upward Bound, with approximately 390 grants averaging $130,700; $15,300,000 for Talent Search, with approximately 160 grants averaging $95,000; and $45,000,000 for Special Services, with approximately 484 grants averaging $93,000. The Educational Opportunity Centers program will be allocated $6,300,000 to fund approximately 27 grants averaging $233,000.

The processing of applications for new projects will be subject to the availability of funds. These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 13, 1979. They may be obtained by writing to the Division of Student Services and Veterans Programs, Information Systems and Program Support Branch, U.S. Office of Education (Room 3514, Regional Office Building, 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner suggest that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further suggests that only the information required by the application form be submitted.

Applicable Regulations: The regulations applicable to this program are:

(a) regulations governing the Special Services Program (45 CFR Part 157); and

(b) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a).

However, it is expected that the grant awards made under this program will be subject to the post award provisions of the Education Division General Administrative Regulations (EDGAR). EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When published in final, EDGAR will supersede the Office of Education General Provisions Regulations.

Further information: For further information contact the Program Development Branch, Division of Student Services and Veterans Programs, U.S. Office of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C., 20202, Telephone (202) 245–2511.

(20 U.S.C. 1070d–1070d–1)

13.498—Talent Search

Closing date: October 31, 1979.

Applications are invited for new projects under the Talent Search Program. Applications for National Demonstration projects will not be accepted during this funding cycle.

Authority for this program is contained in section 417B of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070d–1)

This program issues awards to institutions of higher education, combinations of institutions of higher education, public and private agencies and organizations, and in exceptional cases, secondary schools and secondary vocational schools.

The purpose of the awards is to assist applicants to carry out projects designed to identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training. Projects also publicize existing forms of student financial aid and encourage qualified secondary school and college dropouts of demonstrated aptitude to reenter educational programs.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by October 31, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.488, Washington, D.C. 20202.

Proof of mailing must consist of:

(1) Legible U.S. Postal Service dated postmark;

(2) Legible mail receipt with the date of mailing stamped by the U.S. Postal Service; or

(3) Any other evidence acceptable to the Commissioner, such as dated shipping label, invoice, or receipt from a commercial carrier.

Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service. (NOTE: The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this.) Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673,

Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 pm. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The applications for new grants will be evaluated competitively under the published funding criteria for new awards—45 CFR 159.7(c). All applications for FY 1980 funds will be treated as new applications. Successful applicants will receive up to two (2) year project period grants.

The Office of Education may not fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting two years of funding must submit a detailed work program and budget for the first year and an outline of the work program and a budget summary for the second year.

The Commissioner approves requests for the second year if:

1. The need continues to exist for the services provided by the project;

2. Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives;

3. The project continues to offer promise of success;

4. All required reports have been received and accepted by the Commissioner; and

5. Funds are available to continue the project.

An Application Preparation Workshop(s) will be conducted this Fall. For the time and location of this workshop(s) contact the Program Development Branch (see address in section on Further Information). Date(s) and location(s) will also be published in the Notices section of the **Federal Register.**

Available funds: Approximately $130,000,000 is anticipated to be available for the Special Programs for Students from Disadvantaged Backgrounds in FY 1980. The breakdown for new awards is estimated to be $51,000,000 for Upward Bound, with approximately 390 grants averaging $130,700; $15,300,000 for Talent Search, with approximately 160 grants averaging $95,600; and $45,000,000 for Special Services, with approximately 484 grants averaging $93,000. The Education Opportunity Centers program will be allocated $6,300,000 to fund approximately 27 grants averaging $233,000.

The processing of applications for new projects will be subject to the availability of funds. These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 13, 1979.

They may be obtained by writing to the Division of Student Services and Veterans Programs, Information Systems and Program Support Branch, U.S. Office of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further suggests that only the information required by the application form be submitted.

Applicable regulations: The regulations applicable to this program are:

(a) regulations governing the Talent Search Program (45 CFR Part 159), and

(b) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a).

However, it is expected that the grant awards made under this program will be subject to the post award provisions of the Education Division General Administrative Regulations (EDGAR). EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When published in final, EDGAR will supersede the Office of Education General Provisions Regulations.

Further information: For further information contact the Program Development Branch, Division of Student Services and Veterans Programs, U.S. Office of Education (Room 3514 Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-2511.

(20 U.S.C. 1070d–1070d–1)

13.543—Education Opportunity Centers

Closing date: October 31, 1979.

Applications are invited for new projects under the Educational Opportunity Centers Program.

Authority for this program is contained in section 417B of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070d–1)

This program issues awards to institutions of higher education, combinations of institutions of higher education, public and private agencies and organizations, and, in exceptional cases, secondary schools and secondary vocational schools.

The purpose of the awards is to assist applications to carry out projects that serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services: information concerning financial and academic support for persons living in the area who desire to pursue a program of postsecondary education; counseling, tutorial and other necessary services to such persons while attending postsecondary institutions; and, assistance in applying for admission to postsecondary institutions, including assistance in preparing necessary applications for use by admission and financial aid officers.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by October 31, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.543, Washington, D.C. 20202.

Proof of mailing must consist of:

(1) Legible U.S. Postal Service dated postmark;

(2) Legible mail receipt with the date of mailing stamped by the U.S. Postal Service; or

(3) Any other evidence acceptable to the Commissioner, such as dated shipping label, invoice, or receipt from a commercial carrier.

Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note—The U.S. Postal Service does not uniformly provide a dated postmark. Applications should check with their local post office before relying on this method.

Applications are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The applications for new grants will be evaluated competitively under the published funding criteria for new awards—45 CFR 154.5(c). All applications for FY 1980 funds will be treated as new applications. Successful applicants will receive up to two (2) year project period grants.

The Office of Education may not fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting two years of funding must submit a detailed work program and budget for the first year and an outline of the work program and a budget summary for the second year.

The Commissioner approves requests for the second year if:

1. The need continued to exist for the services provided by the project;

2. Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives.

3. The project continues to offer promise of success;

4. All required reports have been received and accepted by the Commissioner; and

5. Funds are available to continue the project.

An Application Preparation Workshop(s) will be conducted this Fall. For the time and location of this workshop(s), contact the Program Development Branch (see address in section on Further Information). Date(s) and location(s) will also be published in the Notices section of the **Federal Register.**

Available funds: Approximately $130,000,000 is anticipated to be available for the Special Programs for Students from Disadvantaged Backgrounds in fiscal year 1980. Of this amount it is estimated that $6,300,000 will be available for the Educational Opportunity Centers program, to fund approximately 27 grants averaging $233,000. The breakdown for new awards in the other Special Programs is estimated to be $51,000,000 for Upward Bound, with approximately 390 grants averaging $130,700; $15,300,000 for Talent Search, with approximately 160 grants averaging $95,600; and $45,000,000 for Special Services, with approximately 484 grants averaging $93,000.

The processing of applications for these new projects will be subject to the availability of funds. These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing August 13, 1979. They may be obtained by writing to the Division of Student Services and Veterans Programs, Information Systems and Program Support Branch, U.S. Office of Education, (Room 3514, Regional Office Building 3), 400 Maryland Avenue,. S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further suggests that only the information required by the application form be submitted.

Applicable regulations: The regulations applicable to this program are:

(a) regulations governing the Educational Opportunity Centers Program (45 CFR Part 154), and

(b) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a).

However, it is expected that the grant awards made under this program will be subject to the post award provisions of the Education Division General Administrative Regulations (EDGAR). EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When published in final, EDGAR will supersede the Office of Education General Provisions Regulations.

Further information: For further information contact the Program Development Branch, Division of Student Services and Veterans Programs, U.S. Office of Education (Room 3514, Regional Office Building 3) 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 245-2511.

(20 U.S.C. 1070d-1070d-1)

13.443C—Field Initiated Research

Closing Date: October 31, 1979.

Applications are invited for new projects for support of research related to education of the handicapped.

Authority for this program is contained in sections 641 and 642 of part E of Education of the Handicapped Act (20 U.S.C. 1441, 1442).

The purpose of this program is to support a broad range of research and research-related projects focusing on the education of handicapped children.

For Further Information Contact: Max W. Mueller, Research Projects Branch, BEH, 400 Maryland Avenue, SW, Washington, DC, 20202, phone (202) 245-2275.

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand delivered by October 31, 1979.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.443C, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legible dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Hand-Delivered Applications: An application that is hand-delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C. The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: Approximately $3,000,000 is available for support of new Field Initiated Research projects in 1980. Based on a mean grant amount in recent years of approximately $90,000 we expect that about 33 new grants will be awarded. The range of funding for 1979 projects was from approximately $10,000 to $200,000 per year. Most

awards were for under $100,000 per year.

While there is no firm limit on the duration of projects, the vast majority of field-initiated projects are for one to three years. In the event that assistance is provided for multiple year projects, grant awards will be made for a budget period of a single year's duration with continuation awards made on a non-comptitive basis subject to satisfactory performance as determined under 45 CFR 121h.4(b) and the availability of funds in future fiscal years.

Application Forms: Further information and application forms are available and may be obtained by writing to the Research Projects Branch, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue SW, (Donohoe, 3165), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that the narrative portion of the application not exceed forty (40) pages in length. The Commissioner further urges that only the information required by the application form instructions be submitted.

Applicable Regulations: The following regulations are applicable to this program through the granting of the award:

(a) Regulations governing the handicapped education program (45 CFR Parts 121 and 121h). Final regulations for part 121h were published in the **Federal Register** on August 18, 1978; and

(b) Office of Education General Provisions Regulations (45 CFR 100 and 100a).

However, it is expected that grant awards made under this program will be subject to the post award provisions of the Education Division General Administrative Regulations (EDGAR) when they become effective. EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When published in final, EDGAR will supersede the Office of Education General Provisions Regulations.

(20 U.S.C. 1441, 1442.)

13.443C—Handicapped Research and Demonstrations Field Initiated Research

Closing Date: Variable.

Noncompeting Continuation Projects

Applications are invited for noncompeting continuation projects under the Handicapped Research—Field Initiated Research.

Authority for this program is contained in Part E sections 641 and 642 of the Education for the Handicapped Act, as amended.

(20 U.S.C. 1441, 1442).

Under this program awards are issued to States, State or Local educational agencies, institutions of higher education, public or private educational or research agencies and organizations.

The purpose of the awards is to assist these institutions that have demonstrated satisfactory performance on previous awards in carrying out research relating to the education of handicapped children.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, applications for a noncompeting continuation award should be mailed or hand delivered no later than 120 days prior to the end of the current budget period.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.443C, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available Funds: It is anticipated that funds will be available for continuation of projects and at the level projected in the original applications.

Application Forms: Application forms and program information packages are expected to be ready for mailing by September 3, 1979. They may be obtained by writing to the Research Projects Branch, U.S. Office of Education (Room 3165, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Education Program (45 CFR Part 121h). Final regulations for part 121h were published in the **Federal Register** on August 10, 1978.

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further Information: For further information contact Dr. Max W. Mueller, Chief, Research Projects Branch, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, S.W., (Donohoe Building, Room 3165), Washington, D.C. 20202, Telephone (202) 245–2275.

(20 U.S.C. 1441, 1442).

Fulbright-Hays Training Grants

13.438–Faculty Research Abroad Program

13.439–Foreign Curriculum Consultants Programs

13.440–Group Projects Abroad Program

13.441–Doctoral Dissertation Research Abroad Program

Closing Date: November 2, 1979.

Applications are invited for new projects under the Fulbright-Hays training grants—Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs.

Authority for these programs is contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961.

(22 U.S.C. 2452(b)(6)).

This program issues awards to eligible applicants. Eligible applicants for Fulbright-Hays training awards are as follows:

A. For the Faculty Research Abroad program, accredited institutions of higher education;

B. For the Foreign Curriculum Consultants program, accredited institutions of higher education, State departments of education, local public school systems, private nonprofit educational organizations, and consortiums of such entities;

C. For the Group Projects Abroad program, accredited institutions of higher education, State departments of education, private nonprofit educational organizations, and consortiums of such entities;

D. For the Doctoral Dissertation Research Abroad program, accredited institutions of higher education which offer doctoral programs in the fields of foreign languages and area studies.

The purpose of the awards is to improve and develop modern foreign language and area studies in the educational structure of the United States.

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by November 2, 1979.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.438; 13.439; 13.440; or 13.441, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Evaluation criteria and eligibility requirements for the Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs appear in the Code of Federal Regulations at 45 CFR Part 148.

Available Funds: It is expected that approximately $3,600,000 and $1,890,000 in special foreign currencies will be available for the Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs in fiscal year 1980.

It is estimated that these funds could support the following distribution of awards:

A. Sixty-five Faculty Research Abroad fellows at an average cost of approximately $11,150;

B. Twenty Foreign Curriculum Consultants at an average cost of approximately $13,620;

C. Forty-five Group Projects Abroad at an average cost of approximately $61,800;

D. One hundred and thirty-five Doctoral Dissertation Research Abroad fellows at an average cost of approximately $12,680;

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that number or amount is specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by August 31, 1979. They may be obtained by writing to the Division of International Education, U.S. Office of Education (Room 3669, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed the following pages in length:

A. For the Faculty Research Abroad program, five pages;

B. For the Foreign Curriculum Consultants program, ten pages;

C. For the Group Projects Abroad program, twenty pages;

D. For the Doctoral Dissertation Research Abroad program, five pages.

The Commissioner further urges that applicants not submit information that is not required.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Higher Education Programs in Modern Foreign Language Training and Area Studies Program (45 CFR Part 148); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under the program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must be Met by a Grantee?); Subpart F (What are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further Information: For further information contact Mr. John Paul, Fulbright-Hays Training Grants, Division of International Education, ISB, U.S. Office of Education (Room 3669, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245–9808.

(22 U.S.C. 2452(b)(6)).

13.558—Bilingual Vocational Training Program

Closing date: November 5, 1979.

Applications are invited for new projects under the Bilingual Vocational Training Program.

Authority for this program is contained in Sections 181 through 185 of Vocational Education Act of 1963, as amended by the Education Amendments of 1976.

This program issues awards to local educational agencies, State agencies, postsecondary educational institutions, private nonprofit vocational training institutions, nonprofit educational or training organizations especially created to serve a group whose language as normally used is other than English, and private for profit agencies and organizations.

The purpose of the awards is to provide bilingual vocational training to persons of limited English-speaking ability who are unemployed or underemployed because they come from environments where the dominant language is other than English.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by November 5, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.558, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m on the closing date.

Program information: Applications are accepted from:

(1) Local educational agencies;

(2) State agencies;

(3) Postsecondary educational institutions;

(4) Private nonprofit vocational training institutions;

(5) Nonprofit educational or training organizations especially created to serve a group whose language as normally used is other than English; and

(6) Private for profit agencies and organizations.

Sixty-five percent of the funds available under Section 183 of the Act may be used by the Commissioner to award grants or assistance contracts for the cost of operating programs designed to carry out the purposes set forth in Section 184 of the Act.

All awards will be new; no funds are reserved for continuation awards. A request for funding by an applicant who has had a prior award should include an evaluation of the prior award.

Awards are for a one year duration.

Available funds: It is expected that approximately $1,820,000 will be available for the Bilingual Vocational Training program in FY 1980.

It is estimated that these funds could support 12 projects.

The anticipated award for each new project will be $140,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 9, 1979. They may be obtained by writing to the Demonstration Branch, U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 25 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Special procedures: An applicant must provide a copy of the application to the State Board for Vocational Education at the same time it is submitted to the Office of Education. The State Board shall submit comments upon the application to the Office of Education within thirty days after the closing date for applications.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Bilingual Vocational Training program (45 CFR Part 105, Sections 601–607); and

(b) General Provisions Regulations for Office of Education Program (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR:

Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. Doris V. Gunderson, Chief, Demonstration Branch, Bilingual Vocational Training Program,U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW, Washington, D.C. 20202, Telephone: (202) 245–2614.

(20 U.S.C. 2414; 45 CFR Part 105)

13.561—Metric Education Program

Closing Date: November 14, 1979.

Applications are invited for new projects under the Metric Education Program.

Authority for this program is contained in Section 311 of Title III of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561.

(20 U.S.C. 2951–2954)

This program issues grant awards to State educational agencies (SEAs) and local educational agencies (LEAs), institutions of higher education (IHEs), and other public and private nonprofit agencies or organizaton (NPOs) or to combinations of those.

The purpose of the awards is to encourage and support projects that prepare students (including parents and other adults) to use the metric system of measurement (Internatonal System of Units (SI)).

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by November 14, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.561, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Building 3, 7th & D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Preapplications: Preapplications will not be required for fiscal year 1980 funding consideration.

Program information: Applicants shall provide an abstract based on the categories of information set forth in the abstract information page that introduces Part IV, the program narrative. The abstract will be developed in compliance with the sequence of items as they appear in this information page. It will not exceed three (3) typewritten pages. Each proposal shall include a table of contents and the proposal shall be sequentially numbered throughout.

Categories of typical activities that are supported by the Program are specifically set forth in subpart B, § 161b.10 of the regulations.

All awards will be new; no funds are reserved for continuation awards.

Available funds: It is expected that approximately $1,840,000 will be available for the Metric Education Program in FY 1980.

It is estimated that these funds could support 46 to 50 new projects.

Higher operational costs are involved in (1) projects whose activities are state-wide or multi-state in scope; (2) projects that include or are basically designed to implement mobile metric laboratories; (3) projects whose activities are to be carried out be a group of eligible parties including a consortium and cooperative arrangements; and (4) projects whose activities are national in scope. Because of these higher costs these projects will be funded at a level which will generally exceed amounts of grants for activities for single school districts or single institutions.

Where justified by design, projects that include state-wide or multistate activities are expected to be funded in the range of $35,000 to $40,000. Projects whose activities are carried out by a group of eligible parties are expected to be funded in the range of $50,000 to $75,000. Projects which include the operation of mobile metric education laboratories are expected to be funded in the range of $50,000 to $80,000.

Projects that include metric educational activities in single agencies or institutions but which do not pursue activities comparable in scope to those described above, are expected to be funded in the range of $25,000 to $35,000 where justified by the design.

These estimates, however, do not bind the U.S. Office of Education to specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing no later than September 14, 1979. They may be obtained by writing to the Metric Education Program, U.S. Office of Education (1832 M Street, N.W., Suite 835), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Metric Education Program (45 CFR Part § 161b).

These regulations were published as a notice of proposed rulemaking on May 25, 1979 (44 FR 30636). Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§ 100a.202 through 100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information, contact Dr. Floyd A. Davis, Program Manager, Metric Education Program, BSI, U.S. Office of Education (1832 M Street, N.W., Suite 835, Washington, D.C. 20208), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 653–5920.

(20 U.S.C. 2951–2954)

13.443D—Handicapped Children's Model Program

Closing date: December 3, 1979.

Applications are invited for new demonstration projects under the Handicapped Children's Model Program.

Authority for this program is contained in Section 641 of Part E of the Education of the Handicapped Act (20 U.S.C. 1441).

This program issues awards to States, State or local educational agencies, institutions of higher education and other public or nonprofit private educational or research agencies and organizations.

The purpose of this program is to develop and conduct model programs designed to meet the special educational needs of handicapped children.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by December 3, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.443D, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoiced, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily, except Saturdays, Sundays and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: Approximately $2,000,000 is available for support of new demonstration projects in 1980. We expect that about 25 new grants will be awarded. The range of funding for 1979 projects was from approximately $60,000 to $125,000 per year. The average award was $103,000.

Grant awards will be made for a budget period of one year with continuation awards made on a non-competitive basis subject to satisfactory performance as determined under 45 CFR Section 121h.9 and the availability of funds in future fiscal years.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and information packages are expected to be ready for mailing October 3, 1979. They may be obtained by writing to the Handicapped Children's Model Program, Program Development Branch, Bureau of Education for the Handicapped, U.S. Office of Education, (Donohoe Building, Room 3123), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Special procedures: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) up to 60 days for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in the Education of the Handicapped Program (45 CFR Part 121h); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact the Handicapped Children's Model Program, Program Development Branch, Bureau of Education for the Handicapped, U.S. Office of Education, (Donohoe Building, Room 3123), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone (202) 245–9722.

(20 U.S.C. 1441)

13.588—Contract Program for Indian Tribes and Indian Organizations

Closing date: December 3, 1979.

Applications are invited for new projects under the Contract Program for Indian Tribes and Indian Organizations.

Authority for this program is contained in Section 103 of the Vocational Education Act of 1963 as amended by the Education Amendments of 1976.

This program issues awards to Indian Tribal Organizations or Indian Tribes which are eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act of 1975 or under the Act of April 16, 1934.

The purpose of the awards is to provide opportunities in vocational education for Indian Tribes and Indian Organizations.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by December 3, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.588, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Applications are accepted from Indian Tribes and Indian Organizations which are eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act of 1975 or under the Act of April 16, 1934.

(1) An award will not exceed three fiscal years. Continuation funding is contingent upon satisfactory performance. Applications for multi-year awards shall have a detailed budget for the current year and total budget figures for the subsequent years.

(2) A request for continuation of a project beyond the project period will be considered a new application and will be reviewed competitively with all other applications. In order for the Commissioner to make this determination, an applicant who has had a prior contract under this program shall include an evaluation of the previous project.

Available funds: it is expected that approximately $1,411,400, will be available for the Contract Program for Indian Tribes and Indisan Organizations for FY 1980.

It is estimated that these funds could support up to 9 new projects.

The anticipated award for each new project will be approximately $150,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 9, 1979. They may be obtained by writing to the Demonstration Branch, U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 25 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Special procedures: An applicant shall submit a copy of the application directly to the Commissioner of the Bureau of Indian Affairs and the State Board for Vocational Education at the same time it submits an application to the Office of Education. The copy of the application to be sent to the Bureau of Indian Affairs should be sent to the following address: Director of Education Programs, Bureau of Indian Affairs, Main Interior Building, Room 3510, 1951 Constitution Avenue, NW, Washington, D.C. 20245. A directory of the State Boards for Vocational Education in all States is included with the application package.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Contract Program for Indian Tribes and Indian Organizations (45 CFR Part 105, Sections 201–214); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR:

Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?)

Further information: For further information contact Dr. Doris V. Gunderson, Chief, Demonstration Branch, Contract Program for Indian Tribes and Indian Organizations, U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW, Washington, D.C. 20202, Telephone: (202) 245–2614.

(20 U.S.C. 2414; 45 CFR Part 105)

13.525, 13.529, 13.589, 13.689, 13.690—Emergency School Aid

Closing Date: December 7, 1979.

Applications are invited for new projects under the following Emergency School Aid Act programs:

(1) Basic grants to local educational agencies under section 606(a) of the Act.

(2) Grants to public or private nonprofit organizations other than local educational agencies under section 608(b) of the Act.

(3) Magnet school, university/business cooperation, and neutral site planning grants to local educational agencies under section 608(a) of the Act.

(4) State agency grants under section 608(c) of the Act.

(5) Grants for the arts to any public agency (other than a local education agency) that is responsible for the administration of statewide public arts programs under section 608(a) of the Act.

The Commissioner does not, by this notice, invite applications for the following programs described in proposed program regulations:

(1) Planning grants.

(2) Transitional grants.

(3) Metropolitan area grants.

(4) Other special projects.

(5) Compensatory service grants.

(6) Television and radio contracts.

The purposes of these programs are set out in the proposed regulations. The Commissioner will, by another notice, invite applications for grant programs for which funds are appropriated. The Commissioner will invite proposals for television and radio contracts by the publication of a request for proposals.

Authority for these programs is contained in Title VI of the Elementary and Secondary Education Act of 1965, as amended by the Education Admendments of 1978 (20 U.S.C. 3191 *et seq.*).

(1) The purpose of a basic grant is to meet educational needs that arise from a desegregation plan or a plan to eliminate, reduce or prevent minority group isolation that qualifies under section 606(a) of the Act.

(2) The purpose of a nonprofit organization grant is to support a local educational agency's development or implementation of a qualifying plan.

(3) The purposes of magnet school grants are to plan, design, and conduct educational programs in magnet schools. University/business cooperation grants are for cooperative programs between local educational agencies and institutions of higher education or businesses. Neutral site planning grants are to develop plans for neutral site schools.

(4) The purpose of a State agency grant is to pay a portion of the cost to a State for activities related to the voluntary elimination or reduction of minority group isolation.

(5) The purpose of a grant for the arts is to provide, through the arts, opportunities for interracial and intercultural communication to meet needs related to the implementation of a qualifying plan.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by *December 7, 1979.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Washington, D.C. 20202. An application must be marked—

(1) Attention: 13.525 (for basic grants);

(2) Attention: 13.529 (for nonprofit organization grants);

(3) Attention: 13.589 (for magnet school, university/business cooperation, and neutral site planning grants);

(4) Attention: 13.689 (for State agency grants); or

(5) Attention: 13.690 (for grants for the arts).

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: The amount of fiscal year 1980 funds for various types of assistance has not yet been set. The amount of funds available for each type will be established after enactment of appropriation legislation.

Application forms: Application forms and program information packages are expected to be ready for mailing by October 8, 1979. They may be obtained by writing to the Division of Program Operations, Equal Educational Opportunity Programs, Office of Education, Room 2007A, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 40 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to these programs include the following:

(1) Regulations governing programs under the Emergency School Aid Act (45 CFR Part 185).

These regulations were published in proposed form on June 29, 1979 (44 FR 38364). Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under these programs.

(2) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

These regulations were published in proposed form on May 4, 1979 (44 FR 26298). When they are published as final regulations and become effective, they will supersede the Office of Education general provisions regulations (45 CFR Parts 100a through 100d) and will govern awards under these programs.

If changes that relate to the preparation of applications for fiscal year 1980 are made in final regulations governing these programs or in the EDGAR final regulations, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact Mr. Jesse Jordan, Division of Program Operations, Equal Educational Opportunity Programs, U.S. Office of Education, 400 Maryland Avenue, S.W., Room 2007A, Washington, D.C. 20202. Telephone: (202) 245-7965.

(20 U.S.C. 3191 *et seq.*)

13.566—Arts Education Program

Closing date: December 14, 1979.

Applications are invited for new projects under the Arts Education Program.

Authority for this program is contained in Part C of Title III of the Education Amendments of 1978, Pub. L. 95-561.

(20 U.S.C. 2961)

The program makes awards to State educational agencies (SEAs), local educational agencies (LEAs), and other public and private agencies, organizations, and institutions.

The purpose of the program is to encourage cooperative school-community projects which recognize and stress the essential role of the arts in elementary and secondary education.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by December 14, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.566, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered

postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: An application may be submitted in one of three funding categories. However, an applicant may be funded for only one project—whether proposed singly by the applicant or jointly with other applicants.

The funding categories are: (1) State—for statewide projects; (2) urban or large community—for projects in standard metropolitan statistical areas with access to cultural resources; and (3) rural or small community—for projects in areas isolated from metropolitan environments with limited or no cultural resources.

Each of the three categories has specific application requirements that are addressed in the regulations. All projects must be designed to—

(1) Provide opportunities for all students in the schools served by the project to acquire skills in and through several arts media, including at least dance, music, theater, and the visual arts; and

(2) Integrate these disciplines into the regular educational program of the schools, rather than to include them peripherally or as extra-curricular activities.

Each applicant shall provide for a project advisory committee broadly representative of State and local arts and educational resources. A State project shall use its official State arts education advisory committee, if one exists. A local applicant shall submit an information copy of its application to the SEA for a 30-day comment period.

The proposed regulations give examples of types of project activities for which an applicant may request support. The Commissioner may approve projects for a maximum of three years; however, renewals are subject to availability of funds and review.

Applications are judged on the basis of the following criteria: Need; assessment; coordination; project administration; and results, end products, or outcome. The Commissioner may add 10 points to the total score of an application to achieve geographic distribution and project diversity.

Available funds: It is expected that approximately $1,250,000 will be available for grants under the Arts Education Program in FY 1980.

It is estimated that these funds could support between 20 to 25 new projects at an average of $50,000. Also, it is expected that the annual Federal share of any project will not exceed $100,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grants unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by September 21, 1979. They may be obtained by writing to the Arts and Humanities Staff, U.S. Office of Education (Room 3728, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 15 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: The following regulations apply under this program:

(a) Regulations governing the Arts Education Program (45 CFR Part 161c). These regulations were published as a notice of proposed rulemaking in the **Federal Register** on June 18, 1979 (44 FR 35186). Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d). When it becomes effective, EDGAR will govern applications and grants under this program. The selection criterial contained in Subpart D of EDGAR (§§ 100a.202—100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact the Arts and Humanities Staff, U.S. Office of Education (Room 3728, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 472-7793.

(20 U.S.C. 2961)

13.588—Contract Program for Indian Tribes and Indian Organizations

Closing date: December 17, 1979. Noncompeting Continuation projects.

Applications are invited for noncompeting continuation projects under the Contract Program for Indian Tribes and Indian Organizations.

Authority for this program is contained in Section 103 of the Vocational Education Act of 1963 as amended by the Education Amendments of 1976.

This program issues awards to Indian Tribal Organizations or Indian Tribes which are eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act of 1975 or under the Act of April 16, 1934.

The purpose of the awards is to provide opportunities in vocational education for Indian Tribes and Indian Organizations.

Closing date for Transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by December 17, 1979.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.588, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: It is anticipated that funds will be available for continuation of projects at the prior year level.

Application forms: Application forms and program information packages are expected to be ready for mailing by August 9, 1979.

They may be obtained by writing to the Demonstration Branch, U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Contract Program for Indian Tribes and Indian Organizations (45 CFR Part 105, Sections 201–214); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 F.R. 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR:

Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?);

Subpart F (What Are the Administrative Reponsibilities of a Grantee?); and

Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. Doris V. Gunderson, Chief, Demonstration Branch, Contract Program for Indian Tribes and Indian Organizations, U.S. Office of Education (Room 5026, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 245–2614.

(20 U.S.C. 2414; 45 CFR Part 105)

13.564—Consumers' Education Program

Closing date: December 19, 1979.

Applications are invited for projects under the Consumers' Education Program.

Authority for this program is contained in section 331–336 of Title III of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561.

(20 U.S.C. 2981–2986)

This program issues awards to local education agencies, State education agencies, institutions of higher education, other public agencies, and non-profit private organizations. The purpose of these awards is to assist these groups to develop and carry out innovative special projects designed to help people function more effectively as consumers and in their roles as consumer-citizens.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by *December 19, 1979.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.564, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be noticed that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accpeted after 4:30 p.m. on the closing date.

Program information: Specific information is contained in the regulations and the program information packet. Applications should emphasize projects which are designed to serve as models or which build an organization's long-range capacity to provide consumers' education.

Available funds: It is estimated that approximately $3,135,000 will be available for the Consumers' Education Program in FY 1980 to support new projects.

It is estimated that these funds could support 50–55 projects in addition to contract obligations.

The anticipated average award for projects will be approximately $45,000. No minimum or maximum amounts will be set.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by October 19, 1979. They may be obtained by writing to the Office of Consumers' Education, U.S. Office of Education, (Room 807, Riviere Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 25 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Special procedures: Local education agencies must certify that an open meeting has been held where members of the community have had an opportunity to comment on the contents of the application.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Consumers' Education Program (45 CFR Part 161e).

These regulations were published as a notice of proposed rulemaking on May 16, 1979 (44 FR 28758). Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR), (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 1, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date or permit applicants to amend their applications.

Further information: For further information, contact Dr. Dustin W. Wilson, Jr., Director, Consumers' Education Program, U.S. Office of Education, (Room 807, Riviere Building), 400 Maryland Avenue, S.W, Washington, D.C. 20202, Telephone: (202) 653–5983.

(20 U.S.C. 3386)

13.552—National Diffusion Network Program

Closing date: January 3, 1980.

Applications are invited for new projects under the National Diffusion Network Program.

Authority for this program is contained in Sections 303 and 376 of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561, "Education Amendments of 1978." (20 U.S.C. 2943, 3041)

This program issues awards to public or nonprofit private agencies, organizations, and institutions.

The purpose of the awards is to promote widespread installation across the Nation of vigorously evaluated, exemplary programs.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by *January 3, 1980.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.552–A for Developer Demonstrators, and 13.552–B for Facilitators, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Application Preparation Workshops will be conducted this Fall (Fiscal Year 1980). For the time and location of these workshops contact the Division of Educational Replication (see address in section on Further Information).

Available funds: It is expected that approximately $8,000,000 will be available for the National Diffusion Network Program in FY 1980.

It is estimated that these funds could support: 13.552–A: Developer/Demonstrator—90 projects ranging from $35,000–$75,000. 13.552–B: Facilitators—55 projects ranging from $35,000–$200,000. However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and programs information packages are expected to be ready for mailing by *November 5, 1979.* They may be obtained by writing to the Division of Educational Replication, U.S. Office of Education (Room 3616, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed *50* pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the National Diffusion Network Program (45 CFR Part 193).

These regulations were published as a notice of proposed rulemaking on June 25, 1979. Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions

Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date or permit applicants to amend their applications.

Further information: For further information contact Mr. Harry DeVanney, Deputy Director, Division of Educational Replication, National Diffusion Network Program, U.S. Office of Education (Room 3616, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2257.

(20 U.S.C. 2943, 3041)

13.436—Foreign Language and Area Studies Research Program

Closing date: January 4, 1980.

Applications are invited for new and/or continuation projects under the Foreign Language and Area Studies Research Program.

Authority for this program is contained in Title VI, section 602, of the National Defense Education Act of 1958.

(20 U.S.C. 512)

This program issues awards to qualified institutions, organizations and individuals.

The purpose of the awards is to assist researchers to conduct studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields, to conduct research on training methods for use in such languages and fields, and to develop specialized materials for use in training students and language teachers.

Closing date for transmittal of applications: An application for a new grant must be mailed or hand delivered by January 4, 1980.

To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by January 4, 1980. If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.436, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail recipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant for a new award will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application for a new project that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Activities supported by this program may include the following:

(1) Studies and surveys, including conferences, to assess the state of the art of foreign language and international studies instruction in the United States, to determine new emphases needed, to identify priority needs for specialized materials, and to define and analyze national trends through, for example, surveys of enrollments, degree requirements, and newly developing types of training programs;

(2) Research in teaching methodology (a) which applies linguistic theories and concepts of modern language pedagogy to projects that can thereby be expected to increase the understanding of second language acquisiton and to improve language teaching, and (b) which applies modern teaching approaches to international studies.

(3) The preparation of specialized instructional materials, particularly for modern foreign languages which are not widely taught in the United States and for which there is only a limited commercial market; and for international studies concerned with the non-Western world.

(4) More specific information regarding these activities is contained in the program regulations, 45 CFR Part 146, and the program application package.

Available funds: It is expected that approxiamtely $970,000 will be available for the Research Program in FY 1980.

It is estimated that these funds could support 27 new projects and 5 continuing projects.

The anticipated award for new projects is estimated at an average cost of $30,300 each. (Projects which exceed eighteen months should be planned and budgeted in yearly phases).

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by September 7, 1979. They may be obtained by writing to the Research Program International Studies Branch, U.S. Office of Education (Rm. 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 10 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Foreign Language and Area Studies Research Program (45 CFR Part 146); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Mrs. Julia A. Petrov, Chief, Research Program, ISB/DIE, U.S. Office of Education (Rm. 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-9819.

(20 U.S.C. 512)

13.444A—Handicapped Children's Early Education Program—Demonstration Projects

Closing date: January 10, 1980. Noncompeting continuation projects.

Applications are invited for noncompeting continuation projects under the Handicapped Children's Early Education Program—Demonstration.

Authority for this program is contained in sections 623 and 624 of the Education of the Handicapped Act (20 U.S.C. 1423, 1424).

The purpose of this program is to assist in developing and implementing innovative and experimental programs for young handicapped children (ages birth to 8 years) and their families.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by January 10, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.444A, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: The funding level for the Handicapped Chilren's Early Education Program is expected to be approximately $20 million for FY 1980. During previous years of the program, funding for second and third year demonstration projects has averaged between $80,000 and $120,000.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 9, 1980. They may be obtained by writing to the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, S.W., (Donohoe Building, Room 3100), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education Program (45 CFR, Part 121d), and

(b) General Provisions Regulations for the Office of Education Programs (45 CFR, Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact the Handicapped Children's Early Education Program, U.S. Office of Education, 400 Maryland Avenue, S.W. (Donohoe Building, Room 3100), Washington, D.C. 20202, Telephone (202) 245-9722.

(20 U.S.C. 1423, 1424)

13.405—Desegregation of Public Education

Closing date: January 15, 1980.

Applications are invited for new projects under the following Desegregation of Public Education programs:

1. State Educational Agency programs for race, sex, and national origin desegregation assistance under section 403 of the Civil Rights Act of 1964.

2. Training Institute programs for race and sex desegregation assistance under section 404 of the Act.

3. School Board Grants for sex desegregation assistance under section 405 of the Act.

The purpose of these programs is to help solve problems related to the race, sex, and national origin desegregation of public elementary and secondary schools.

Authority for these programs is contained in Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c *et seq.*).

Applications for Race, Sex, and National Origin Desegregation Assistance Center (DAC) awards are not covered by this notice.

Applications for the Special Grants to School Boards for Race and National Origin Desegregation will not be covered by a notice of closing date. Applicants for these grants may apply at any time, but should first review the eligibility requirements contained in §§ 180.04 and 180.71 (a) and (b) of the program regulations. Applications for these Special Grants should be sent to the Application Control Center (Attention: 13.405E) at the address indicated below.

Closing date of transmittal of applications: An application for a grant must be mailed or hand delivered by *January 15, 1980.*

Application delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.405, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: The amount of fiscal year 1980 funds for various programs has not yet been set. The amount of funds available for each program will be established after enactment of appropriation legislation.

Application forms: Application forms and programs information packages are expected to be ready for mailing by *October 15, 1979.* They may be obtained by writing to the Division of Technical Assistance, Equal Educational Opportunity Programs, U.S. Office of Education (Room 2181–J, FOB–6), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 15 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education programs (45 CFR Part 180); and

(b) Office of Education general provisions regulations (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When they are published as final regulations and become effective, they will supersede the Office of Education general provisions regulations and will govern awards under these programs. However, they will not govern the pre-award phase of programs under the Act in fiscal year 1980.

Further information: For further information contact Director, Division of Technical Assistance, Equal Educational Opportunity Programs, Office of Education, Room 2181–J, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202; Telephone: (202) 245–8840.

(20 U.S.C. 2000c–2000c–5)

13.510—Cooperative Education Program
Closing Date: January 16, 1980.

Applications are invited for new administration projects under Section 802, and for new research and training projects under Section 803.

A separate notice of closing date will be published inviting applications for demonstration grants under Section 803.

Authority for this program is contained in Title VIII of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1133–1133b)

This program issues awards to institutions or combinations of institutions of higher education and to public or private nonprofit agencies for training, research, or demonstration/exploration projects. Awards are made to institutions or combinations of institutions of higher education for administration projects.

The purpose of the awards is to assist institutions in carrying out programs of Cooperative Education wherein students alternate classroom study with periods of supervised related employment.

Closing date for transmittal of applications: Applications for grants under both Sections 802 and 803 must be mailed or hand delivered by *January 16, 1980.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.510, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, and applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: It is expected that approximately $15,000,000 will be available for the Program in FY 1980. Of this sum $12,000,000 will be awarded for the administration of programs under Section 802 and $3,000,000 will be available for research, training, and demonstration grants under Section 803.

Institutions applying for administration grants are eligible for awards up to $175,000 per institutions; consortia applicants are eligible for awards of up to $125,000 times the number of institutions in the consortium. Potential applicants are encouraged to develop programs of a comprehensive nature including all or most fields in a college, school or other major division, and to seek funding which will permit adequate staffing and administration of such programs representing a substantial institutional commitment to expand and maintain them beyond the period of Federal funding.

The remaining $3,000,000 for training, research, and demonstration could support one or two research projects (five are currently funded), and five to six training programs (seventeen are currently funded).

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be mailed to all eligible institutions of higher education by *November 5, 1979.* They may also be obtained after November 5 from the Cooperative Education Branch, U.S. Office of Education (Room 3053, Regional Office Building 3), 7th and D Streets, S.W., Washington, D.C. 20202 (telephone number: 202–245–2146).

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 10 pages in length for administration proposals and 20 pages for research and training proposals. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Cooperative Education Program (45 CFR Part 182, published in the Federal Register May 2, 1978); and

(b) General Provisions Regulations for the Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for the Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. John L. Chase, Chief, Cooperative Education Branch, Division of Training and Facilities/BHCE, U.S. Office of Education (Room 3053, Regional Office Building 3), 7th and D Streets, S.W., Washington, D.C. 20202, Telephone: (202) 245–2146 or 245–2484.

(20 U.S.C. 1133–1133b)

13.565A—Women's Educational Equity Act Program 13.565B

Closing date: January 21, 1980.

Applications are invited for new general (13.565A) and small (13.565B) grants under the Women's Educational Equity Act Program.

Authority for this program is contained in Title IX part C of the Education Amendments of 1978.

(20 U.S.C. 3341–3348)

This program issues awards to public agencies, private nonprofit organizations, and individuals.

Applications must be under the first tier of the Women's Educational Equity Act Program. This tier supports demonstration, developmental, and dissemination activities of national, statewide, or general significance. The purpose of the awards is to develop educational materials and model programs designed to promote women's educational equity. The materials and programs are developed for replication throughout the United States.

Applications are *not* invited for the second tier of the Women's Educational Equity Act Program which assists projects of local significance. The second tier takes effect only if the annual appropriation for the program exceeds $15 million.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by January 21, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education Control Center, Attention: 13.565A for general grants and 13.565B for small grants, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label invoice, or receipt from a commerical carrier.

(4) Any other evidence acceptable of the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand deliviered should be taken to the U.S. Office of education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: While the Notice of Proposed Rulemaking of the Women's Educational Equity Act Program has been published in the Federal Register, we anticipate that there will be changes between the proposed regulations and the final regulations. Therefore, we suggest that applicants wait until the final regulations are published before drafting their proposals. We anticipate that the final regulations will be published the beginning of November 1979. At that time more information will be provided on the program.

Available funds: Approximately $10 million is anticipated for the Women's Educational Equity Act Program in Fiscal Year 1980. It is estimated that these funds could support approximately 10–20 small grants ($25,000 or less) and 40–45 general grants. When the final regulations are published, applicants will be notified of the selected priorities and of the amounts allocated to them for FY 1980. This information will be provided in an amendment to this notice.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 21, 1979. This date is contingent upon the publication of the final regulations by November, 1979. They may be obtained by writing to the Women's Educational Equity Act Program, U.S. Office of Education (Room 2147), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exeed 40 pages in length. The Commissioner further urges that

applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Women's Educational Equity Act Program (45 CFR Part 160f).

These regulations were published as a Notice of Proposed Rulemaking on May 25, 1979, (44 FR 30540). Applicants should base their applications, however, on the final regulations which are expected to be published at the beginning of November.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. However, the selection criteria in EDGAR do not apply to this program.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact Dr. Leslie Wolfe, Director, Women's Educational Equity Act Program, U.S. Office of Education (Room 2147), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-2181.

(20 U.S.C. 3341-3348)

13.562—Gifted and Talented Children's Education Program—Discretionary Program for Professional Development

Closing date: January 25, 1980.

Applications are invited for new projects under the Gifted and Talented Children's Education Program—Discretionary Program for Professional Development.

Authority for this program is contained in Section 905(a)(1) of the Gifted and Talented Children's Education Act of 1978.

(20 U.S.C. 3315).

This program issues awards for professional development projects to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies and organizations.

The purpose of the awards is to:

a. Establish and operate graduate programs leading to a degree in education of the gifted and talented.

b. Provide seminars and other high-level opportunities for leaders in education, public affairs, industry, and related fields to interact with and promote the professional development of potential leaders in the education of gifted and talented students.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by January 25, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.562, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Center Control will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Assistance will be available for three categories of projects. An applicant shall submit a separate application for each of the categories for which assistance is sought.

The first two categories are in the area of graduate level instruction leading to a degree in the education of the gifted and talented. They include awards for 1) a graduate degree program and 2) establishing and/or operating at the university level a doctoral program in the education of the gifted and talented.

The third category is in the area of providing seminars and other high level opportunities for leaders in education, public affairs, industry and related fields to interact with and promote the professional development of potential leaders in the education of gifted and talented students.

Available funds: It is expected that approximately $440,000 will be available for new Professional Development projects in FY 1980. Of this total, it is anticipated that approximately $225,000 will be available for projects under Category 1; approximately $75,000 will be available for projects under Category 2; and approximately $140,000 will be available for Category 3.

It is estimated that these funds could support 3 new projects in Category 1; 1 new project in Category 2; and 2 new projects in Category 3.

However, these estimates do not bind the U.S. Office of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 21, 1979. They may be obtained by writing to the Office for the Gifted and Talented, U.S. Office of Education (Room 3835, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 40 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Gifted and Talented Children's Education Program (45 CFR Part 195).

These regulations were published as a notice of proposed rulemaking on June 25, 1979. Applicants should base their applications on the notice of proposed

rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate, to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact Dr. Harold C. Lyon, Jr., Director, Office for the Gifted and Talented, U.S. Office of Education (Room 3827, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2482.

(20 U.S.C. 3315)

13.562—Gifted and Talented Children's Education Program—Discretionary Program For Statewide Planning

Closing date: January 25, 1980.

Applications are invited for new projects under the Gifted and Talented Children's Education Program—Discretionary Program for Statewide Planning.

Authority for this program is contained in Section 905(a)(5) of the Gifted and Talented Children's Education Act of 1978.

(20 U.S.C. 3315)

This program issues awards to State educational agencies (SEA's).

The purpose of the awards is to assist SEA's in the statewide planning, development, operation, and improvement of programs and projects designed to meet the educational needs of gifted and talented children.

The Commissioner strongly urges those States which have not previously received assistance from the Office of Gifted and Talented, U.S. Office of Education, and those States which have received assistance from the Office of Gifted and Talented for only one year prior to FY 1980 to apply for assistance under this Program.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by January 25, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.562, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A Legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: It is expected that approximately $300,000 will be available for new Statewide Planning projects in FY 1980.

It is estimated that these funds could support 10–15 new projects.

The anticipated award for each new project will be between $15,000 and $30,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 21, 1979. They may be obtained by writing the Office for the Gifted and Talented, U.S. Office of Education, (Room 3835, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 40 pages in length. The Commissioner further urges that applications not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Gifted and Talented Children's Education Program (45 CFR Parts 160b and 195).

These regulations were published as a notice of proposed rulemaking on June 25, 1979. Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact Dr. Harold C. Lyon, Jr., Director, Office for the Gifted and Talented, U.S. Office of Education, (Room 3827, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2482.

(20 U.S.C. 3315)

13.562—Gifted and Talented Children's Education Program—State-Administered Program

Closing date: January 25, 1980.

Applications are invited for new projects under the Gifted and Talented Children's Education Program—State-Administered Program.

Authority for this program is contained in Sections 903 and 904 of the Gifted and Talented Children's Education Act of 1978.

(20 U.S.C. 3313–3314)

This program issues awards to State educational agencies (SEA's).

The purpose of the awards is to assist the SEA's in planning, developing, operating, and improving programs to meet the needs of gifted and talented children at the preschool, elementary and secondary levels through a program of competitive awards to local educational agencies (LEA's).

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a new award should be mailed or hand delivered by January 25, 1980.

Applications delivered by mail: An application sent by mail should be addressed to the Office of Gifted and Talented, U.S. Office of Education, 400 Maryland Avenue, S.W. (Room 3827 Donohoe Building—Attention: 13.562) Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service Postmark.

(2) A legible mail reçeipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Office of Gifted and Talented, 400 6th Street, S.W., Room 3827, Washington, D.C.

The Office of Gifted and Talented will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: The Commissioner provides finanical assistance to State educational agencies (SEA's) to plan, develop, operate and improve programs to meet the needs of gifted and talented children at the preschool, elementary and secondary levels. Assistance may be used to—(1) Administer a program of competitive awards to local educational agencies (LEA's) for projects that meet the educational needs of gifted and talented children; (2) Provide in-service training of personnel to teach these children; and (3) Provide technical assistance to LEA's in preparing proposals and in planning, developing and operating programs.

SEA's submitting an acceptable application in accordance with the Notice of Proposed Rulemaking published in the **Federal Register** on June 25, 1979 (44 FR 37135) (§ 195.10–§ 195.41) and in accordance with Public Law 95–561, Title IX, Part A, Sec. 904 will receive a minimum grant award of $50,000 contingent upon a sufficient appropriation to pay this amount.

A State may compete for additional funds under the State-administered program by including in its application a designated section addressing the evaluation criteria contained in the Notice of Proposed Rulemaking, § 195.21.

Available funds: It is estimated that approximately $4.71 million will be available for the State-Administered Program in FY 1980 to support up to 57 new projects.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 21, 1979. They may be obtained by writing to the Office of Gifted and Talented, U.S.O.E., 400 Maryland Avenue, S.W. (Room 3827, Donohoe Building) (13.562) Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Gifted and Talented Children's Education Program (45 CFR Part 195).

These regulations where published as a notice of proposed rulemaking on June 25, 1979. Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100b and 100c).

EDGAR was published in proposed from in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact Dr. Harold C. Lyon, Jr., Director, Office of Gifted and Talented, U.S. Office of Education (Room 3827, Donohoe Building 33313–3314), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–2482.

13.416—Teacher Centers Program Closing Dates

To States: January 31, 1980.

To USOE: March 3, 1980.

Awards for new projects.

Applications are invited for new projects under the Teacher Centers Program.

Authority for this program is contained in section 532, title V–B, of the Higher Education Act of 1965, as amended.

(20 U.S.C. 111(a)

This program makes awards to local educational agencies and institutions of higher education.

The purpose of the awards is to assist local educational agencies in planning, establishing, and operating teacher centers and to assist institutions of higher education in operating teacher centers. However, the unusually limited amount of money available for making grants to new projects in fiscal year 1980 would support only about four projects to operate centers. Therefore, and for the following reasons, we strongly encourage applicants to apply for planning grants instead of operational grants:

(1) A national competition in which over 25,000 agencies and institutions are eligible to compete, and which results in

only four "winners" of grants to operate centers would be wasteful, because the cost of preparing the applications would exceed by far the sum available for new grants.

(2) Furthermore, the comparatively low cost of applying for planning grants is more cost effective.

(3) By funding planning grants, which require less money then operational grants, we would be able to maintain better the momentum of the Teacher Centers Program by starting more new projects.

Institutions of higher education are not eligible to apply for planning grants. In addition, the limited sum available to them for new projects in fiscal year 1980 (estimated to be $60,000) makes it impracticable for them to apply for operational grants. Therefore, for fiscal year 1980, the entire ten percent set aside for institutions of higher education will be awarded to institutions of higher education whose teacher center projects began in fiscal years 1978 and 1979 and are being continued.

Closing date for transmittal of applications to state educational agencies: To be assured of consideration for funding, applications for awards must be mailed or hand delivered to the appropriate State educational agency by January 31, 1980.

All applications must be submitted to the state educational agency of the State in which the applicant is located, for review by that agency. The State educational agency must then transmit to the U.S. Office of education those applications that it recommends for consideration and approval by the Commissioner of Education. State educational agencies may set their own criteria for the review of applications, and applicants may wish to take these criteria into consideration. The State criteria (if any) can be obtained by writing to the appropriate State education agency. See the list of addresses of chief State school officers below.

Applications delivered by mail: An application sent by mail must be addressed with five copies (3 for the U.S. Office of Education) to the chief State school officer of the appropriate State educational agency at the address below. The package in which the application is mailed should be clearly marked: "Attention: CFDA 13.416—Teacher Centers Program application. State review required."

Applications delivered by hand: An application that is hand delivered must be taken to the office of the appropriate chief State school officer, during that office's regular business hours.

Closing date for transmittal of applications to USOE: To be assured of consideration for funding, applications for new awards must be mailed or hand delivered to the Office of Education by March 3, 1980.

Applications delivered by mail: Applications sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.416, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Appeals to the Commissioner: Applicants whose applications are not transmitted to the U.S. Office of Education by the appropriate State educational agency may appeal to the U.S. Commissioner of Education to request further consideration by the State educational agency. In the event of such an appeal, the Commissioner must request further consideration and the State educational agency must then transmit the application to the Commissioner. Such an appeal, signed by an authorized official for the applicant, must be received at the address given below under "Further Information" by March 17, 1980, and a copy of the appeal should be sent simultaneously to the appropriate State educational agency. Applicants who wish to appeal are encouraged to make their intent known by telephone at the number given below under "Further Information" prior to submitting a written appeal.

The Commissioner hereby requests further consideration by the appropriate State educational agencies of any and all applications for which an appeal is taken, and further requests the State educational agencies to transmit those applications to the U.S. Office of Education Application Control Center by April 16, 1980.

(Although the amended Teacher Centers Program statute allows the State educational agency to wait 30 days before transmitting its nonrecommended applications for which appeals have been made, transmittal by the date suggested in the above paragraph will facilitate timely review by the Office of Education.)

Available funds: It is estimated that approximately $600,000 will be available for grants to new projects. As noted above, this amount would fund approximately twenty new projects, if the projects were devoted exclusively to planning. On the other hand, this amount would support only about four new operational projects.

This estimate does not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 30, 1979. They may be obtained by writing to the Division of Educational Systems Development, U.S. Office of Education (Room 819, Riviere Building), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: The regulations applicable to this program are:

(a) Regulations governing the Teacher Centers Program (45 CFR Part 197); and

(b) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a).

Note—The proposed Education Division General Administrative Regulations

(EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. Allen Schmieder, Teacher Centers Program, Division of Educational Systems Development, U.S. Office of Education (Room 819, Riviere Building), 400 Maryland Avenue, SW, Washington, D.C. 20202. Telephone (202) 653–5839.

(20 U.S.C. 1119a)

Addresses of Chief State School Officers

Hon. Wayne Teague, Superintendent of Education, State Department of Education, Montgomery, Ala. 36130.
Hon. Marshall L. Lind, Commissioner of Education, State Department of Education, Juneau, Alaska 99801.
Hon. Carolyn Warner, Superintendent of Public Instruction, State Department of Education, Phoenix Ariz. 85007.
Hon. Earl Willis, Acting Director of Education, State Department of Education, Little Rock, Ark. 72201.
Hon. Wilson Riles, Superintendent of Public Instruction and Director of Education, State Department of Education, Sacramento, Calif. 95184.
Hon. Calvin M. Frazier, Commissioner of Education, State Department of Education, Denver, Colo. 80203.
Hon. Mark R. Shedd, Commissioner of Education, State Department of Education, P.O. Box 2219, Hartford, Conn. 06115.
Hon. Kenneth C. Madden, Superintendent of Public Instruction, State Department of Public Instruction, Dover, Del. 19901
Hon. Vincent E. Reed, Superintendent of Schools, Public Schools of the District of Columbia, 415 12th Street NW., Washington, D.C. 20004.
Hon. Ralph D. Turlington, Commissioner of Education, State Department of Education, Tallahassee, Fla. 32304.
Hon. Charles McDaniel, Superintendent of Schools, State Department of Education, Atlanta, Ga. 30334.
Hon. Charles G. Clark, Superintendent of Education, P.O. Box 2360, Honolulu, Hawaii 96804.
Hon. Jerry L. Evans, Superintendent of Public Instruction, State Department of Education, Boise, Idaho 83720.
Hon. Joseph M. Cronin, Superintendent of Education, Illinois Office of Education, Springfield, Ill. 62777.
Hon. Harold H. Negley, Superintendent of Public Instruction, Indianapolis, Ind. 46204.
Hon. Robert D. Benton, Superintendent of Public Instruction, Des Moines, Iowa 50319.
Hon. Merle R. Bolton, Commissioner of Education, State Department of Education, Topeka, Kans. 66612.
Hon. James B. Graham, Superintendent of Public Instruction, State Department of Education, Frankfort, Ky. 40601.
Hon. J. Kelly Nix, Superintendent of Education, State Department of Education, Baton Rouge, La. 70804.
Hon. H. Sawin Millett, Jr., Commissioner of Educational and Cultural Services, State Department of Educational and Cultural Services, Augusta, Maine 04333.
Hon. David W. Hornbeck, Superintendent of Schools, State Department of Education, Baltimore-Washington International Airport, P.O. Box 8717, Baltimore, Md. 21240.
Hon. Gregory R. Anrig, Commissioner of Education, State Department of Education, 31 St. James Avenue, Boston, Mass. 02116.
Hon. John W. Porter, Superintendent of Public Instruction, State Department of Education, Lansing, Mich. 48909.
Hon. Howard B. Casmey, Commissioner of Education, State Department of Education, St. Paul, Minn. 55101.
Hon. Charles E. Holladay, Superintendent of Education, State Department of Education, Jackson, Miss. 39205.
Hon. Arthur L. Mallory, Commissioner of Education, State Department of Elementary and Secondary Education, Jeferson City, Mo. 65101.
Hon. Georgia R. Rice, Superintendent of Public Instruction, Office of the State Superintendent, State Capitol, Helena, Mont. 59601.
Hon. M. Anne Campbell, Commissioner of Education, State Department of Education, Lincoln, Nebr. 68509.
Hon. Ted Sanders, Superintendent of Public Instruction, State Department of Education, 400 West King Street, Carson City, Nev. 89710.
Hon. Robert L. Brunelle, Commissioner of Education, State Department of Education, Concord, N.H. 03301.
Hon. Fred G. Burke, Commissioner of Education, State Department of Education, Trenton, N.J. 08625.
Hon. Leonard J. DeLayo, Superintendent of Public Instruction, State Department of Education, Santa Fe, N. Mex. 87503.
Hon. Gordon M. Ambach, Commissioner of Education, State Education Department, Albany, N.Y. 12234.
Hon. A. Craig Phillips, Superintendent of Public Instruction, State Department of Public Instruction, Raleigh, N.C. 27611.
Hon. Howard J. Snortland, Superintendent of Public Instruction, State Department of Public Instruction, Bismarck, N. Dak. 58505.
Hon. Franklin B. Walter, Superintendent of Public Instruction, State Department of Education, Columbus, Ohio 43215.
Hon. Leslie R. Fisher, Superintendent of Public Instruction, State Department of Education, Oklahoma City, Okla. 73105.
Hon. Verne A. Duncan, Superintendent of Public Instruction, State Department of Education, Salem, Oreg. 97310.
Hon. Robert G. Scanlon, Secretary of Education, State Department of Education, Harrisburg, Pa. 17126.
Hon. Thomas C. Schmidt, Commissioner of Education, State Department of Education, Providence, R.I. 02908.
Hon. Charlie G. Williams, Superintendent of Education, State Department of Education, Columbia, S.C. 29201.
Hon. Thomas C. Todd, State Superintendent of the Division of Elementary and Secondary Education, KNEIP Building, Pierre, S. Dak. 57501.
Hon. E. A. Cox, Commissioner of Education, State Department of Education, Nashville, Tenn. 37219.
Hon. Marlin L. Brockette, Commissioner of Education, Texas Education Agency, Austin, Tex. 78701.
Hon. Walter D. Talbot, Superintendent of Public Instruction, State Board of Education, Salt Lake City, Utah 84111.
Hon. Robert A. Withey, Commissioner of Education, State Department of Education, Montpelier, Vt. 05602.
Hon. W. E. Campbell, Superintendent of Public Instruction, State Department of Education, Richmond, Va. 23216.
Hon. Frank B. Brouillet, Superintendent of Public Instruction, Office of the Superintendent of Public Instruction, Olympia, Wash. 98504.
Hon. Daniel B. Taylor, Superintendent of Schools, State Department of Education, Charleston, W. Va. 25305.
Hon. Barbara S. Thompson, Superintendent of Public Instruction, State Department of Public Instruction, Wisconsin Hall, 126 Langdon St., Madison, Wis. 53702.
Hon. Lynn Simons, Superintendent of Public Instruction, State Department of Education, Hathaway Building, Cheyenne, Wyo. 82002.

Chief State School Officers of Outlying Areas

Hon. Mere T. Betham, Director of Education, Department of Education, Pago Pago, Tutuila, American Samoa 96799.
Hon. David A. Speir, Superintendent of Schools, Canal Zone Government, Box M, Balboa Heights, Canal Zone.
Hon. Mary E. Cadigan, Director of Education, Department of Education, Agana, Guam 96910.
Hon. Carlos E. Chardon, Jr., Secretary of Education, Department of Education, Hato Rey, P.R. 00919.
Hon. David Ramarui, Director of Education, Department of Education, Saipan, Mariana Islands, Trust Territory of the Pacific Islands 96950.
Mr. Isaac M. Calvo, Assistant Director of Education, Department of Education, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950.
Hon. Gwendolyn E. Kean, Commissioner of Education, Department of Education, Box 630, Charlotte Amalie, St. Thomas, V.I. 00801.

13.416—Teacher Centers Program Closing Dates

To States: January 31, 1980.
To USOE: March 3, 1980.
Noncompeting Continuation Projects.

Applications are invited for noncompeting continuation projects under the Teacher Centers Program.

Authority for this program is contained in section 532, title V–B, of the

Higher Education Act of 1965, as amended.

(20 U.S.C. 1119a)

This program makes awards to local educational agencies and institutions of higher education.

The purpose of the awards is to assist local educational agencies in planning, establishing, and operating teacher centers and to assist institutions of higher education in operating teacher centers.

Closing date for transmittal of applications to State educational agencies: To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered to the appropriate State educational agency by January 31, 1980.

If the application is late, the State educational agency may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

All applications must be submitted to the State educational agency of the State in which the applicant is located, for review by that agency. The State educational agency must then transmit to the U.S. Office of Education those applications that it recommends for consideration and approval by the Commissioner of Education. State educational agencies may set their own criteria for the review of applications, and applicants may wish to take these criteria into consideration. The State criteria (if any) can be obtained by writing to the appropriate State educational agency. See the list of addressed of chief State school officers below.

Applications delivered by mail: An application sent by mail should be addressed with five copies (3 for the U.S. Office of Education) to the chief State school officer of the appropriate State educational agency at the address below. The package in which the application is mailed should be clearly marked: "Attention: CFDA 13.416—Teacher Centers Program continuation application. State review required."

Application delivered by hand: An application that is hand delivered must be taken to the office of the appropriate chief State school officer, during that officer's regular business hours.

Closing date for transmittal of applications to USOE: To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered to the Office of Education by March 3, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: Applications sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.416, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encourage to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Appeals to the commissioner: Applicants whose applications are not transmitted to the U.S. Office of Education by the appropriate State educational agency may appeal to the U.S. Commissioner of Education to request further consideration by the State educational agency. In the event of such an appeal, the Commissioner must request further consideration and the State educational agency must then transmit the application to the Commissioner. Such an appeal, signed by an authorized official for the applicant, must be received at the address given below under "Further Information" by March 17, 1980, and a copy of the appeal should be sent simultaneously to the appropriate State educational agency. Applicants who wish to appeal are encouraged to make their intent known telephone at the number below under "Further Information" prior to submitting a written appeal.

The Commissioner hereby requests further consideration by the appropriate State educational agencies of any and all applications for which an appeal is taken, and further requests the State educational agencies to transmit those applications to the U.S. Office of Education Application Control Center by April 16, 1980.

(Although the amended Teacher Centers Program statute allows the State educational agency to wait 30 days before transmitting its nonrecommended application for which appeals have been made, transmittal by the date suggested in the above paragraph will ficilitate timely review by the Office of Education.)

Available funds: It is estimated that funds will be available for continuation of projects at approximately the same level as the prior year. No applicant, except those whose grants in the prior year were made exclusively for planning, should expect to receive more funds than it was granted for the prior year.

This estimate does not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 30, 1979. They may be obtained by writing to the Division of Educational Systems Development, U.S. Office of Education (Room 819, Riviere Building), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: The regulations applicable to this program are:

(a) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and

(b) The regulations governing the Teacher Centers Programs (45 CFR Part 197).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following

provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?);

Hon. Wayne Teague, Superintendent of Education, State Department of Education, Montgomery, Ala. 36130.
Hon. Marshall L. Lind, Commissioner of Education, State Department of Education, Juneau, Alaska 99801.
Hon. Carolyn Warner, Superintendent of Public Instruction, State Department of Education, Phoenix, Ariz. 85007.
Hon. Earl Willis, Acting Director of Education, State Department of Education, Little Rock, Ark. 72201.
Hon. Wilson Riles, Superintendent of Public Instruction and Director of Education, State Department of Education, Sacramento, Calif. 95184.
Hon. Calvin M. Frazier, Commissioner of Education, State Department of Education, Denver, Colo. 80203.
Hon. Mark R. Shedd, Commissioner of Education, State Department of Education, P.O. Box 2219, Hartford, Conn. 06115.
Hon. Kenneth C. Madden, Superintendent of Public Instruction, State Department of Public Instruction, Dover, Del. 19901.
Hon. Vincent E. Reed, Superintendent of Schools, Public Schools of the District of Columbia, 415 12th Street NW., Washington, D.C. 20004.
Hon. Ralph D. Turlington, Commissioner of Education, State Department of Education, Tallahassee, Fla. 32304.
Hon. Charles McDaniel, Superintendent of Schools, State Department of Education, Atlanta, Ga. 30334.
Hon. Charles G. Clark, Superintendent of Education P.O. Box 2360, Honolulu, Hawaii 96804.
Hon. Jerry L. Evans, Superintendent of Public Instruction, State Department of Education, Boise, Idaho 83720.
Hon. Joseph M. Cronin, Superintendent of Education, Illinois Office of Education, Springfield, Ill. 62777.
Hon. Harold H. Negley, Superintendent of Public Instruction, Indianapolis, Ind. 46204.
Hon. Robert D. Benton, Superintendent of Public Instruction, Des Moines, Iowa 50319
Hon. Merle R. Bolton, Commissioner of Education, State Department of Education, Topeka, Kans. 66612.
Hor. James B. Graham, Superintendent of Public Instruction, State Department of Education, Frankfort, Ky. 40601.
Hon. J. Kelly Nix, Superintendent of Education, State Department of Education, Baton Rouge, La. 70804.
Hon. H. Sawin Millett, Jr., Commissioner of Educational and Cultural Services, State Department of Educational and Cultural Services, Augusta, Maine 04333.
Hon. David W. Hornbeck, Superintendent of Schools, State Department of Education, Baltimore-Washington International Airport, P.O. Box 8717, Baltimore, Md. 21240.
Hon. Gregory R. Anrig, Commissioner of Education, State Department of Education, 31 St. James Avenue, Boston, Mass 02116.

Subpart F (What are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. Allen Schmieder, Teacher Centers Program, Division of Educational Systems Development, U.S. Office of Education (Room 819, Riviere Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 653–5839.

(20 U.S.C. 1119a)

Addresses of Chief State School Officers

Hon. John W. Porter, Superintendent of Public Instruction, State Department of Education, Lansing, Mich. 48909.
Hon. Howard B. Casmey, Commissioner of Education, State Department of Education, St. Paul, Minn. 55101.
Hon. Charles E. Holladay, Superintendent of Education, State Department of Education, Jackson, Miss. 39205.
Hon. Arthur L. Mallory, Commissioner of Education, State Department of Elementary and Secondary Education, Jefferson City, Mo. 65101.
Hon. Georgia R. Rice, Superintendent of Public Instruction, Office of the State Superintendent, State Capitol, Helena, Mont. 59601.
Hon. M. Anne Campbell, Commissioner of Education, State Department of Education, Lincoln, Nebr. 68509.
Hon. Ted Sanders, Superintendent of Public Instruction, State Department of Education, 400 West King Street, Carson City, Nev. 89710.
Hon. Robert L. Brunelle, Commissioner of Education, State Department of Education, Concord, N.H. 03301.
Hon. Fred G. Burke, Commissioner of Education, State Department of Education, Trenton, N.J. 08625.
Hon. Leonard J. DeLayo, Superintendent of Public Instruction, State Department of Education, Santa Fe, N. Mex. 87503.
Hon. Gordon M. Ambach, Commissioner of Education, State Education Department, Albany, N.Y. 12234.
Hon. A. Craig Phillips, Superintendent of Public Instruction, State Department of Public Instruction, Raleigh, N.C. 27611.
Hon. Howard J. Shortland, Superintendent of Public Instruction, State Department of Public Instruction, Bismarck, N. Dak. 58505.
Hon. Franklin B. Walter, Superintendent of Public Instruction, State Department of Education, Columbus, Ohio 43215.
Hon. Leslie R. Fisher, Superintendent of Public Instruction, State Department of Education, Oklahoma City, Okla. 73105.
Hon. Verne A. Duncan, Superintendent of Public Instruction, State Department of Education, Salem, Oreg. 97310.
Hon. Robert G. Scanlon, Superintendent of Education, State Department of Education, Harrisburg, Pa. 17126.
Hon. Thomas C. Schmidt, Commissioner of Education, State Department of Education, Providence, R.I. 02908.
Hon. Charlie G. Williams, Superintendent of Public Instruction, State Department of Education, Columbia, S.C. 29201.
Hon. Thomas C. Todd, State Superintendent of the Division of Elementary and Secondary Education, KNEIP Building, Pierre, S. Dak. 57501.
Hon. E. A. Cox, Commissioner of Education, State Department of Education, Nashville, Tenn. 37219.
Hon. Marlin L. Brockette, Commissioner of Education, Texas Education Agency, Austin, Tex. 78701.
Hon. Walter D. Talbot, Superintendent of Public Instruction, State Board of Education, Salt Lake City, Utah 84111.
Hon. Robert A. Withey, Commissioner of Education, State Department of Education, Montpelier, Vt. 05602.
Hon. W. E. Campbell, Superintendent of Public Instruction, State Department of Education, Richmond, Va. 23216.
Hon. Frank E. Brouillet, Superintendent of Public Instruction, Office of the Superintendent of Public Instruction, Olympia, Wash. 98504.
Hon. Daniel B. Taylor, Superintendent of Schools, State Department of Education, Charleston, W. Va. 25305.
Hon. Barbara S. Thompson, Superintendent of Public Instruction, State Department of Public Instruction, Wisconsin Hall, 126 Langdon St., Madison, Wis. 53702.
Hon. Lynn Simons, Superintendent of Public Instruction, State Department of Education, Hathaway Building, Cheyenne, Wyo. 82002.

Chief State School Officers of Outlying Areas

Hon. Mere T. Betham, Director of Education, Department of Education, Pago Pago, Tutulla, American Samoa 96799.
Hon. David A. Speir, Superintendent of Schools, Canal Zone Government, Box M, Balboa Heights, Canal Zone
Hon. Mary E. Cadigan, Director of Education, Department of Education, Agana, Guam 96910.
Hon. Carlos E. Chardon, Jr., Secretary of Education, Department of Education, Hato Rey, P. R. 00919.
Hon. David Ramarui, Director of Education, Department of Education, Saipan, Mariana Islands, Trust Territory of the Pacific Islands 96950.
Mr. Isaac M. Calvo, Assistant Director of Education, Department of Education, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950.
Hon. Gwendolyn E. Kean, Commissioner of Education, Department of Education, Box 630, Charlotte Amalie, St. Thomas, V.I. 00801.

13.576—Strengthening Research Library Resources

Closing date: February 15, 1980.

Applications are invited for new projects under the Strengthening Research Library Resources Program.

Authority for this program is contained in sections 231–236 of Part C of Title II of the Higher Education Act of 1965, as amended by section 107 of the Education Amendments of 1976.

(20 U.S.C. 1041–1046.)

This program issues grants to public or private nonprofit institutions, including the library resources of institutions of higher education,

independent research libraries, and State and other public libraries which serve as major research libraries as defined in § 136.04 of the regulations.

The purpose of these grants is to promote research and education of higher quality throughout the United States by providing financial aid to eligible major research libraries to help maintain and strengthen their collections, and to make these collections available to researchers and scholars beyond their primary users and to other libraries whose users have need for research materials.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by February 15, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.576, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: In formulating proposals for new projects, potential applicants should give special attention to § 136.04, which provides a definition of what constitutes a major research library and to § 136.06, which contains specific program funding criteria and the number of points attached to each. While planning grants are not deemed eligible for consideration, a proposed project may include a planning component prior to an operational component.

Available funds: It is expected that approximately $6 million will be available for the strengthening research library resources program in fiscal year 1980.

It is estimated that these funds could support approximately 12 new projects with approximately $2.5 million and support 14 noncompeting continuation projects with approximately $3.5 million.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 15, 1979. They may be obtained by writing to the Library Education and Postsecondary Resources Branch, U.S. Office of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program are:

(a) Regulations governing the Strengthening Research Library Resources Program (45 CFR Part 136); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?) and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Mr. Frank A. Stevens, Chief, Library Education and Postsecondary Resources Branch, Division of Library Programs, Office of Libraries and Learning Resources, U.S. Office of Education, (Room 3622, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202, telephone 202–245–9530.

(20 U.S.C. 1041–1046)

13.576—Strengthening Research Library Resources

Closing date: February 15, 1980.

Noncompeting Continuation Projects.

Applications are invited for noncompeting continuation projects under the Strengthening Research Library Resources Program.

Authority for this program is contained in sections 231–236 of Part C of Title II of the Higher Education Act of 1965, as amended by section 107 of the Education Amendments of 1976.

(20 U.S.C. 1041–1046)

This program issues grants to public or private nonprofit institutions, including the library resources of institutions of higher education, independent research libraries, and State and other public libraries which serve as major research libraries as defined in § 136.04 of the regulations.

The purpose of these grants is to promote research and education of higher quality throughout the United States by providing financial aid to eligible major research libraries to help maintain and strengthen their collections, and to make these collections available to researchers and scholars beyond their primary users and to other libraries whose users have need for research materials.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by February 15, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center,

Attention: 13.567, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5672, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: In formulating proposals for noncompeting continuation projects, applicants should give special attention to section 136.10(d), which provides an explanation of the procedure to be used in evaluating these proposals.

Available funds: It is expected that approximately $6 million will be available for the Strengthening Research Library Resources program in fiscal year 1980.

It is estimated that these funds could support approximately 12 new projects with approximately $2.5 million and support 14 noncompeting continuation projects with approximately $3.5 million.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 15, 1979. They may be obtained by writing to the Library Education and Post-secondary Resources Branch, U.S. Office of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. It will not be necessary for applicants to include the basic institutional data required in the original application. The new narrative will be expeced to address itself to project activities for the continuing year requested. The Commissioner urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program are:

(a) Regulations governing the Strengthening Research Library Resources Program (45 CFR Part 136); and

(b) General Provisions Regulations for Office of Education Program (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Mr. Frank A. Stevens, Chief, Library Education and Postsecondary Resources Branch, Division of Library Programs, OLLR, U.S. Office of Education, (Room 3622, Regional Office Building 3), 400 Maryland Avenue, S.W. Washington, D.C. 20202, Telephone (202) 245-9530.

(20 U.S.C. 1041-1046)

13.446—Media Research, Production, Distribution, and Training Grant Program

Closing date: February 18, 1980.

Applications are invited for new projects under the Educational Media Research, Production, Distribution, and Training Grant Program.

Authority for this program is contained in sections 651 and 652 of Part F of the Education for the Handicapped Act, as amended.

(20 U.S.C. 1451, 1452).

This program issues awards to profit or nonprofit public and private agencies, organizations, and institutions to promote the advancement of handicapped persons through media by assisting research, production, distribution, and training in the use of media.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by February 18, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.446, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturday, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: In the first three years of this program, a combined total of approximately 10 million dollars has been awarded to 70 grantees for new awards and noncompeting continuation awards. The budget for 1980 has not yet been established but should equal and

may exceed the average for the first three years.

Previous first year awards for new projects have been between $25,000 and $220,000 with the average just over $100,000. It is anticipated that most new awards will fall in this range. However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by December 7, 1979. They may be obtained by writing to the Division of Media Services, Bureau of Education for the Handicapped, U.S. Office of Education (Room 4853 Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 25 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Special procedures: Applicants to this program are not subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing Instructional Media for the Handicapped Program (45 CFR Part 121i); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Also, new regulations for this program are in development. A Notice of Proposed Rulemaking is expected to be published in the near future and new regulations are expected to be in effect prior to the release of the new application. If so, these regulations will supersede the current 45 CFR Part 121i. Any changes in regulations will be included in the program information packets with the application forms.

Further information: For further information contact Mr. Barry E. Katz, Grants Program Officer, Division of Media Services, Bureau of Education for the Handicapped, U.S. Office of Education, (Donohoe Building, Room 4819), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 472–4640.

(20 U.S.C. 1451, 1452)

13.446—Media Research, Production, Distribution, and Training Grant Program

Closing date: February 18, 1980.

Noncompeting Continuation Projects

Applications are invited for noncompeting continuation projects under the Educational Media Research, Production, Distribution, and Training Grant Program.

Authority for this program is contained in sections 651 and 652 of Part F of the Education for the Handicapped Act, as amended.

(20 U.S.C. 1451, 1452)

This program issues awards to promote the advancement of handicapped persons through media by assisting research, production, distribution, and training in the use of media.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by February 18, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.446, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Educaion.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: In the first three years of this program, a combined total of approximately 10 million dollars has been awarded to 70 grantees for new awards and noncompeting continuation awards. The budget for 1980 has not yet been established but could equal and may exceed the average for the first three years.

In fiscal year 1979, approximately $1,250,000 was awarded for noncompeting continuation awards to ten grantees. However, the U.S. Office of Education is not bound to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by December 7, 1979. They may be obtained by writing to the Division of Media Services, Bureau of Education for the Handicapped, U.S. Office of Education (Room 4853 Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Special procedures: Applicants to this program are not subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing Instructional Media for the

Handicapped Program (45 CFR Part 121i); and

(b) General Provisions Regulations for Office of Education programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulation (EDGAR) were published in the Federal Register on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Also, new regulations for this program are in development. A notice of Proposed Rulemaking is expected to be published in the near future. If new regulations are in effect prior to the release of the new application, the new regulations will supersede the current 45 CFR Part 121i. Any changes in the regulations will be included in the program information packets with the application forms.

Further information: For further information contact Mr. Barry E. Katz, Grants Program Officer, Division of Media Services, Bureau of Education for the Handicapped, U.S. Office of Education, (Donohoe Building, Room 4819), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone (202) 472–4640.

(20 U.S.C. 1451, 1452)

13.599A—Basic Skills Improvement—Basic Skills in the Schools Program

Closing Date *February 29, 1980*

Applications are invited for new projects under the Basic Skills Improvement Program—Basic Skills Improvement in the Schools Program.

Authority for this program is contained in Section 205 of the Elementary and Secondary Education Act, as amended by the Education Amendments of 1978.

(20 U.S.C. 2885)

This program issues awards to State and local educational agencies (elementary and secondary) and other public and private agencies, organizations, and institutions.

The purpose of the awards is to support activities to demonstrate improved devlivery of instructional services in the areas of reading, mathematics, and oral and written communications.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by *February 29, 1980.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.599A, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: It is expected that these projects will be multi-year in duration. Projects must be designed to serve as demonstration models and show promise of replication and validation.

After the first year of funding, applicants are expected to decrease their level of Federal funding as stated in § 162.114 of the Basic Skills Improvement proposed regulations. Therefore, applications should reflect this decrease in future years.

An applicant should review § 162.120 of the proposed regulations to determine if it is required to submit an application to the State educational agency for comment. If so, the applicant shall submit a copy of its application to the State educational agency fifteen (15) days before the closing date for submitting applications to the Commissioner. To ensure consideration of its comments, the State educational agency shall forward its comments to the Commissioner within thirty (30) days.

Available funds: It is expected that approximately $7,500,000 will be available for the Basic Skills in the Schools Program in FY 1980.

It is estimated that these funds could support approximately 115 elementary and secondary projects.

The anticipated award for each new project may vary between $50,000 and $150,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by *November 26, 1979.* They may be obtained by writing to the Basic Skills Program Office, U.S. Office of Education, (Room 1167, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed thirty (30) pages in length. The Commissioner further urges that applicants submit only the information that is requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Basic Skills and Educational Proficiency Programs (45 CFR Part *162*).

These regulations were published as a notice of proposed rulemaking on April 27, 1979 (44 FR 25148). When they are published as final regulations and become effective, these regulations will govern applications and grants under this program. The U.S. Office of Education anticipates publishing the final regulations in early Fall. Applicants should wait until final regulations are published before planning their projects.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissoner may extend the closing date of permit applicants to amend their applications.

Further information: For further information contact Mr. Thomas Keyes, Education Program Specialist, Basic Skills Program Office, U.S. Office of Education (Room 1150, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2710.

(20 U.S.C. 2885)

13.599B—Basic Skills Improvement—Parent Participation Program

Closing date: *February 29, 1980.*

Applications are invited for new projects under the Basic Skills Improvement Program—Parent Participation Program.

Authority for this program is contained in Section 206 of the Elementary and Secondary Education Act, as amended by the Education Amendments of 1978.

(20 U.S.C. 2886)

This program issues awards to State and local educational agencies (elementary and secondary), and other public and private agencies, organizations and institutions.

The purpose of the awards is to support activities designed to enlist the assistance of parents and volunteers working with schools to improve the skills of children in reading, mathematics, and oral and written communication.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by *February 29, 1980.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.599B, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: While the Notice of Proposed Rulemaking for the Basic Skills and Educational Proficiency Programs has been published in the **Federal Register**, we anticipate that there will be changes between the proposed regulations and the final regulations. Therefore, we suggest that applicants wait until the final regulations are published before drafting their proposals. We anticipate that the final regulations will be published the beginning of October, 1979. At that time more information will be provided on the program.

An applicant should review § 162.120 of the proposed regulations to determine if it is required to submit an application to the State educational agency for comment. If so, the applicant shall submit a copy of its application to the State educational agency fifteen (15) days before the closing date for submitting applications to the Commissioner. To ensure consideration of its comments, the State educational agency shall forward its comments to the Commissioner within thirty (30) days.

Available funds: It is expected that approximately $1,500,000 will be available for the Parent Participation Program.

It is estimated that these funds could support approximately fifteen (15) projects.

The anticipated award for each project will be between $10,000 and $50,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by *November 26, 1979.* They may be obtained by writing to the Basic Skills Program Office, U.S. Office of Education (Room 1167, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed thirty-five (35) pages in length. The Commission further urges that applicants submit only the information that is requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Basic Skills and Educational Proficiency Program (45 CFR, Part *162*). These regulations were published as a notice of proposed rulemaking on *April 27, 1979* (44 FR 25148). When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

(EDGAR) was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs. (the current 45 CFR parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of

EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact Mrs. Doris Crudup, Education Program Specialist, Basic Skills Program Office, U.S. Office of Education (Room 1629, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–8213.

(20 U.S.C. 2886)

13.599C—Basic Skills Improvement—Out-of-School Basic Skills Improvement Program

Closing date: February 29, 1980.

Applications are invited for new projects under the Basic Skills Improvement Program—Out-of-School Basic Skills Improvement Program.

Authority for this program is contained in Section 208 of the Elementary and Secondary Education Act, as amended by the Education Amendments of 1978.

(20 U.S.C. 2888)

This program issues awards to State and local educational agencies (elementary and secondary), institutions of higher education, and private agencies, organizations, and institutions (such as labor unions, volunteer organizations, and business associations).

The purpose of the awards is to support the efforts of these agencies, organizations, and institutions to stimulate children, youth, and adults to improve their achievement in basic skills.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by *February 29, 1980.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.599C, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: While the Notice of Proposed Rulemaking for the Basic Skills and Educational Proficiency Programs has been published in the **Federal Register**, we anticipate that there will be changes between the proposed regulations and the final regulations. Therefore, we suggest that applicants wait until the final regulations are published before drafting their proposals. We anticipate that the final regulations will be published the beginning of October, 1979. At that time more information will be provided on the program.

An applicant should review § 162.120 of the proposed regulations to determine if it is required to submit an application to the State educational agency for comment. If so, the applicant shall submit a copy of its application to the State educational agency fifteen (15) days before the closing date for submitting applications to the Commissioner. To ensure consideration of its comments, the State educational agency shall forward its comments to the Commissioner within thirty (30) days.

Available funds: It is expected that approximately $6,000,000 will be available for the Out-of-School Basic Skills Improvement Program in Fiscal Year 1980.

Application forms: Application forms and program information packages are expected to be ready for mailing by *November 26, 1979.* They may be obtained by writing to the Basic Skills Program Office, U.S. Office of Education (Room 1167, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed forty (40) pages in length. The Commissioner further urges that applicants submit only the information that is requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Basic Skills and Educational Proficiency Program (45 CFR Part *162*).

These regulations were publised as a notice of proposed rulemaking on *April 27, 1979* (44 FR 25148). When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: for further information contact Mr. Andres Montez, Education Program Specialist, Basic Skills Program Office, U.S. Offie of Education (Room 1154, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 245–8213.

(20 U.S.C. 2888)

13.489D—Teacher Corps Program 79 (2D YEAR)

Closing date: March 3, 1980.

Applications are invited for noncompeting continuation grants for the second year of the Teacher Corps "Program 79" projects.

Authority for the Teacher Corps program is contained in title V–A of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1101–1107a)

This program issues awards to institutions of higher education, local educational agencies and State educational agencies to develop and operate Teacher Corps projects.

The purpose of the awards is to strengthen the educational opportunities available to children in areas having concentrations of low-income families, encouraging colleges and universities to broaden their program of teacher preparation and encouraging institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel.

Closing date for transmittal of applications. To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered by March 3, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Application delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.489D, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping lable, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturday, Sunday, and Federal holidays.

Available funds. It is anticipated that funds will be available for continuation of projects and that the total amount awarded to each project will be limited to approximately $275,000.

Application forms: Application forms and program information packages are expected to be ready for mailing by December 7, 1979. They may be obtained by writing to Teacher Corps, Operations Branch, U.S. Office of Education, Room 1725, Donohoe Building, 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner urges that applicants not submit information that is not requested.

Special procedures. Applicants must comply with the following procedures as well as those in the teacher corps regulation.

1. An application for continuation of funding must be signed by: (a) The president or other authorized official of each institution of higher education; (b) the superintendent or other authorized official of each local educational agency; (c) the chairperson of the community council; (d) if a State educational agency participates, the chief State school officer; and (e) in the case of an application for a youth advocacy project, the authorized official of each correctional facility.

2. An application for continuation of funding must be submitted to and approved by the State educational agency of the State in which the application is located. The State educational agency's approval must be in writing, signed by the chief State school officer, and attached to the application which is submitted to the U.S. Office of Education.

3. An application must describe the stipends and compensation (including insurance and travel expenses) which will be paid to: (a) Teacher interns; (b) teachers; (c) volunteers; (d) other educational personnel; (e) project staff; and (f) the project director. An application must also describe the amount and proposed use of funds requested for training Teacher Corps members and for the secretarial and administrative expenses of the community council.

4. In satisfaction of the requirements in §§ 172.123(a) (1) and (2), 172.124(a), and 172.126 of the teacher corps regulations, applicants may submit catalogs or other descriptive material already developed for other purposes. If the information included in an initial application in response to §§ 172.122, 172.123, 172.124, 172.125, and 172.126 of the regulation remains unchanged, an application for continuation funding need not respond to these sections.

5. The Commissioner strongly urges that the narrative portion of the application not exceed 150 pages in length.

Applicable regulations. The regulations applicable to this program are:

(a) General Provisions Regulations for Office or Education Programs (45 CFR parts 100 and 100a), and (b) The regulation governing the Teacher Corps Program (45 CFR Part 172).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under the program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

For further information: For further information contact Dr. Preston M. Royster, Associate Director, Operations Branch, Teacher Corps, U.S. Office of Education, Room 1725, Donohoe Building, 400 Maryland Avenue SW., Washington, D.C. 20202, Telephone (202) 245–8272.

13.563—Community Education Program

Closing Date: March 10, 1980.

Applications are invited for new projects under the Community Education Program.

Authority for this program is contained in Title VIII of the revised Elementary and Secondary Education Act of 1965.

(20 U.S.C. 3281).

This program is authorized to make grants to assist local educational agencies (LEAs) in planning, establishing, expanding, and operating community education programs; to public agencies and nonprofit private organizations (NPOs), including State educational agencies (SEAs), in promoting more efficient use of school facilities and more effective delivery of social services; and to institutions of higher education (IHEs) in providing training to persons who are or will be engaged in community education.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delievered by March 10, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.563, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent thrugh the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: While the Notice of Proposed Rulemaking for the Community Education Progran has been published in the **Federal Register**, we anticipate that there will be changes between the proposed regulations and the final regulations. Therefore, we suggest that applicants, wait until the final regulations are published before drafting their proposals. We anticipate that the final regulations will be published the beginning of December 1979. At that time more information will be provided on the program.

Available funds: Approximately $3.1 million is anticipated for the Community Education Program in Fiscal Year 1980.

Application forms: Application forms and program information packages are expected to be ready for mailing by January 9, 1980. This date is contingent upon the publication of the final regulations by December, 1979. They may be obtained by writing to the Community Education Program U.S. Office of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Community Education Program (45 CFR Part 160c).

These regulations were published as a Notice of Proposed Rulemaking on June 29, 1979. Applicants should base their applications, however, on the final regulations which are expected to be published at the beginning of December.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c)

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

Further information: For further information contact Ms. Julie Englund, Director, Community Education Program, U.S. Office of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–0691.

(20 U.S.C. 3281)

13.443D—Handicapped Children's Model Program

Closing date: March 13, 1980.

Noncompeting continuation projects.

Applications are invited for noncompeting continuation projects under the Handicapped Children's Model Program.

Authority for this program is contained in section 641 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441).

This program issues awards to States, State or local educational agencies, institutions of higher education and other public or nonprofit private educational or research agencies and organizations.

The purpose of this program is to develop and conduct model programs designed to meet the special educational needs of handicapped children.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting award should be mailed or hand delivered by March 13, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.443D, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: The funding level for the Handicapped Children's Model Program for new and noncompeting continuation is expected to be approximately $5,500,000 for FY 1980. During the previous year of the program, funding for continuation projects was between $82,000 and $140,000.

Application forms: Application forms and program information packages are expected to be ready for mailing by January 14, 1980. They may be obtained by writing to the Elementary, Secondary, Post-Secondary Section, Program Development Branch, Bureau of Education for the Handicapped, U.S. Office of Education, (Donohoe Building, Room 3123), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. the Commissioner strongly urges that applicants not submit information that is not requested.

Special procedures: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A–95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A–95 requires the applicant to give the clearinghouse(s) up to 60 days for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A–95 but did not receive any clearinghouse comments.

Applicable regulations:

Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Education Program (45 CFR Part 121h); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by A Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact the Handicapped Children's Model Program, Bureau of Education for the Handicapped, U.S. Office of Education, (Donohoe Building, Room 3123), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone (202) 245–9722.

(20 U.S.C. 1441)

13.565A—Women's Educational Equity Act Program

Closing Date: March 13, 1980.

Noncompeting continuation projects.

Applications are invited for noncompeting continuation projects under the Women's Educational Equity Act Program.

Authority for this program is contained in Title IX, Part C of the Education Amendments of 1978.

(20 U.S.C. 3341–3348)

This program issues awards to public agencies, private nonprofit organizations, and individuals.

The purpose of the awards is to develop educational materials and model programs designed to promote women's educational equity. The materials and programs are developed for replication throughout the United States.

Closing date for transmittal of application: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by March 13, 1980.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.565A, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: It is estimated that funds will be available for continuation of projects at the continuation level requested in the initial application. This estimate does not bind the U.D. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by November 21, 1979. They may be obtained by writing to the Women's Educational Equity Act Program, U.S. Office of Education (Room 2147), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that applicants not submit information that is not requested.

Application regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Women's Educational Equity Act Program (45 CFR Part 160f).

These regulations were published as a Notice of Proposed Rulemaking on May

25, 1979, (44 FR 30540). Applicants should base their applications, however, on the final regulations which are expected to be published at the beginning of November.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further information: For further information contact Dr. Leslie Wolfe, Director, Women's Educational Equity Act Program, U.S. Office of Education (Room 2147), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2181.

(20 U.S.C. 3341–3348)

13.489C—Teacher Corps Program 78 (3d Year)

Closing date: March 25, 1980.

Noncompeting continuation projects.

Applications are invited for noncompeting continuation grants for the third year of the Teacher Corps "Program 78" projects.

Authority for the Teacher Corps program is contained in Title V-A of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1101–1107a)

This program issues awards to institutions of higher education, local educational agencies and State educational agencies to develop and operate teacher corps projects.

The purpose of the awards is strengthening the educational opportunities available to children in areas having concentrations of low-income families, encouraging colleges and universities to broaden their program of teacher preparation and encouraging institutions of higher education and local educational agencies to improve programs of training and retraining for teachers, teacher aides, and other educational personnel.

Closing date for transmittal of applications: To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered by March 25, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Application delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.489C, Washington, D.C. 20202.

An application should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: It is anticipated that funds will be available for continuation of projects and that the total amount awarded to each project will be limited to approximately $275,000.

Application forms: Application forms and program information packages are expected to be ready for mailing by January 25, 1980. They may be obtained by writing to Teacher Corps, Operations Branch, U.S. Office of Education, Room 1725, Donohoe Building, 400 Maryland Avenue, SW. Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner urges that applicants not submit information that is not requested.

Special Procedures. Applicants must comply with the following procedures as well as those in the Teacher Corps regulation.

1. An application for continuation of funding must be signed by: (a) The president or other authorized official of each institution of higher education; (b) the superintendent or other authorized official of each local educational agency; (c) the chairperson of the community council; (d) if a State educational agency participates, the chief State school officer; and (e) in the case of an application for a youth advocacy project, the authorized official of each correctional facility.

2. An application for continuation of funding must be submitted to and approved by the State educational agency of the State in which the application is located. The State educational agency's approval must be in writing, signed by the chief State school officer, and attached to the application which is submitted to the U.S. Office of Education.

3. An application must describe the stipends and compensation (including insurance and travel expenses) which will be paid to: (a) Teacher interns; (b) teachers; (c) volunteers; (d) other educational personnel; (e) project staff; and (f) the project director. An application must also describe the amount and proposed use of funds requested for training Teacher Corps members and for the secretarial and administrative expenses of the community council.

4. In satisfaction of the requirements in §§ 172.123(a)(1) and (2), 172.124(a), and 172.126 of the Teacher Corps regulations, applicants may submit catalogs or other descriptive material already developed for other purposes. If the information included in an initial application in response to §§ 172.122, 172.123, 172.124, 172.125, and 172.126 of the regulation remains unchanged, an application for continuation funding need not respond to these sections.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Teacher Corps Program (45 CFR Part 172); and

(b) General Provisions Regulations for the Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further Information: For further information contact Dr. Preston M. Royster, Associate Director, Operations Branch, Teacher Corps, U.S. Office of Education, Room 1725, Donohoe Building, 400 Maryland Avenue SW., Washington, D.C. 20202, telephone (202) 245–8272.

(20 U.S.C. 1101–1107a.).

(No catalog number)—Biomedical Sciences Program

Closing Date: March 28, 1980

Applications are invited for new projects under the Biomedical Sciences Program.

Authority for this program is contained in Title III, Part L, of the Elementary and Secondary Education Act, as amended by Pub. L. 95–561.

(20 U.S.C. 3053).

This program issues awards to individual institutions of higher education or to combinations of these institutions.

The purpose of the awards is to assist these institutions in motivating and educating talented secondary school students from an econmically disadvantaged background to prepare for and enter into careers in the biomedical sciences.

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by March 28, 1980.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: Biomedical Sciences Program, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: It is expected that approximately $3.0 million will be available for the Biomedical Sciences Program.

It is estimated that these funds could support approximately 8 to 12 new projects.

The anticipated award for each new project will be between $260,000 and $300,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by January 2, 1980. They may be obtained by writing to the Bureau of School Improvement, U.S. Office of Education (Room 3700, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C., 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 15 pages in length. The Commissioner further urges that applicants not submit information that is not required.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Biomedical Sciences Program (45 CFR Part 161l).

These regulations were published as a notice of proposed rulemaking on June 25, 1979 (44 FR 37170). Applicants should base their applications on the notice of proposed rulemaking. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

EDGAR was published in proposed form in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR is published as final regulations, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through 100d).

When it becomes effective, EDGAR will govern applications and grants under this program. The selection criteria contained in Subpart D of EDGAR (§§ 100a.202–100a.206) are included in the preamble to this notice.

If material changes are made in the final regulations governing this Program or in the EDGAR final regulations that relate to the preparation of applications for the current fiscal year, the Commissioner may extend the closing date to permit applicants to amend their applications.

Further Information: For further information contact Dr. Melvin E. Engelhardt, Education Program Specialist, Division of State Educational Assistance Programs, U.S. Office of Education (Room 3010, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–1990.

(20 U.S.C. 3051).

13.444c—Handicapped Children's Early Education Program—State Implementation Grants

Closing Date: April 2, 1980

Noncompeting Continuation Projects

Applications are invited for noncompeting continuation State Implementation Grants under the Handicapped Children's Early Education Program.

Authority for this program is contained in section 624 of the Education of the Handicapped Act (20 U.S.C. 1424).

The purpose of this program is to assist State Education Agencies in the implementation of state plans for preschool and early education for handicapped children and the accelerated provision of services to those children.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by April 2, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.444C, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, a applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available Funds: The amount of funds expected to be available to the State Implementation Grants under the Handicapped Children's Early Education Program is $1.5 million during FY 1980. The funding level for each of these projects has averaged between $50,000 and $80,000.

Application Forms: Application forms and programs information packages are expected to be ready for mailing by February 1, 1980. They may be obtained by writing the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue SW., (Donohoe Building, Room 3100), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education Program (45 CFR, Part 121d); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR, Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. James Button, Project Officer, Early Childhood Program, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW., (Donohoe Building, Room 3100), Washington, D.C. 20202, Telephone (202) 245-9722.

(20 U.S.C. 1423, 1424).

13.444C—Handicapped Children's Early Education Program—State Implementation Grants

Closing Date: April 2, 1980.

Applications are invited for new demonstration projects under the Handicapped Children's Early Education Program.

Authority for this program is contained in Section 624 of the Education of the Handicapped Act (20 U.S.C. 1424).

The purpose of this program is to issue awards to State Education Agencies to assist eligible parties in the implementation of state plans for preschool and early education for handicapped children and the accelerated provision of services to those children.

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by April 2, 1980.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center. Attention: 13.444C, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should not that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: The amount of funds expected to be available to the State Implementation Grants under the Handicapped Children's Early Education Program is $1.5 million during Fiscal Year 1980. Approximately 20–25 new projects and noncompeting continuation projects are expected to be

funded. The funding level for each of these projects has averaged between $50,000 and $80,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by February 1, 1980. They may be obtained by writing to the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue SW. (Donohoe, Room 3100), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Commissioner strongly urges that the narrative portion of the application not exceed fifty (50) pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education Program (45 CFR, Part 121d); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR, Parts 100 and 100a).

Note—The proposed Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Dr. James Button, Project Officer, Early Childhood Section, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue SW. (Donohoe Building, Room 3100), Washington, D.C. 20202, Telephone (202) 245–9722.

(20 U.S.C. 1423, 1424).

Dated: August 17, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-26134 Filed 8-22-79; 8:45 am]

BILLING CODE 4110-02-M

federal register

Thursday
August 23, 1979

Part III

Department of Transportation

Federal Aviation Administration

Special Aviation Fire and Explosion Reduction (SAFER) Advisory Committee and its Technical Groups; Meetings

Federal Register

Thursday
August 23, 1979

Part III

Department of Transportation

Federal Aviation Administration

Special Aviation Fire and Emergency Rescue (SAFER) Advisory Committee and its Technical Groups Meetings

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Special Aviation Fire and Explosion Reduction (SAFER) Advisory Committee and its Technical Groups; Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of meetings of the SAFER Advisory Committee, the SAFER Technical Group on Compartment Interior Materials, and the SAFER Technical Group on Post-Crash Fire Hazard Reduction, to be held in the Building N239 Conference Room at the NASA Ames Research Center, Moffett Field, California 94035, according to the following schedule:

Monday, September 24, 1979

- 9:00 to 5:00—Initial session of the SAFER Technical Group on Compartment Interior Materials.

Tuesday, September 25, 1979

- 9:00 to noon—Final session of the SAFER Technical Group on Compartment Interior Materials.
- 1:00 to 5:00—Initial session of the SAFER Technical Group on Post-Crash Fire Hazard Reduction.

Wednesday, September 26, 1979

- 9:00 to 5:00—Final session of the SAFER Technical Group on Post-Crash Fire Hazard Reduction.

Thursday, September 27, 1979

- 9:00 to 5:00—Initial session of the SAFER Advisory Committee.

Friday, September 28, 1979

- 9:00 to noon—Final session of the SAFER Advisory Committee.
- 1:00 to 3:00—Tour of the NASA–Ames Research Center.

The agenda for each meeting is as follows:

A. *Agenda for the SAFER Technical Group on Compartment Interior Materials.* Group Leader: Martin E. Wilfert; Deputy Group Leader: Sanford Davis.

1. *Report of the Accident Statistics Review Sub-Group.* Chairman: S. Davis.
2. *Report of the Research and Development Review Sub-Group.* Chairman: M. Salkind.
3. *Report of the Short-term Action Sub-Group.* Co-chairman: E. Bara, (materials systems; materials) and H. Schjelderup (toxicology; materials evaluation and testing; airline operations).
4. *Review of a preliminary draft of the summary report the Group Leader will submit to the SAFER Advisory Committee.*
5. *Time, place, and agenda for the next Group meeting.*

B. *Agenda for the SAFER Technical Group on Post-Crash Fire Hazard Reduction.* Group Leader: Edward F. Versaw.

1. *Report of the Sub-Group on Explosion Suppression, Fuel Tank Foam-Foil, and Fuel Tank Inerting.* Chairman: H. Skavdahl.
2. *Report of the Sub-Group on Crash-Resistant Fuel Tanks.* Chairman: J. Wignot.
3. *Report of the Sub-Group on Anti-Misting Fuels.* Chairman: T. Peacock.
4. *Review of a preliminary draft of the summary report the Group Leader will submit to the SAFER Advisory Committee.*
5. *Time, place, and agenda for the next Group meeting.*

C. *Agenda for the SAFER Advisory Committee.* Chairman: John H. Enders.

1. *Summary report by Martin E. Wilfert, Group Leader of the SAFER Technical Group on Compartment Interior Materials.*
2. *Summary report by Edward F. Versaw, Group Leader of the SAFER Technical Group on Post-Crash Fire Hazard Reduction.*
3. *Discussion of findings and recommendations in the Technical Groups' summary reports, with respect to:*
   - The need for short-term rule making action, or other action.
   - The need to redirect or modify existing R & D programs.
4. *Charge to the Chairman concerning what he is to recommend (on behalf of the SAFER Advisory Committee) to the Administrator for short-term rule making action.*
5. *Time, place, and agenda for the next Committee meeting.*

Attendance is open to the interested public but is limited to the space available. With the approval of the Group Leader or the Chairman (as applicable) members of the public may present oral statements at the meeting. Persons wishing to present an oral statement at a meeting should notify, not later than the day before the meeting, Irving Fagin, ASF–300, Special Programs Division, Office of Aviation Safety, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Telephone: 202–426–8198. Any member of the public may present a written statement to the appropriate Technical Group, or to the Committee, at any time.

Issued in Washington, D.C., on August 20, 1979.

Harlan Hosler,

Acting Director, Office of Aviation Safety.

[FR Doc. 79–26223 Filed 8–22–79; 8:45 am]

BILLING CODE 4910–13–M

federal register

Thursday
August 23, 1979

Part IV

Office of the Special Representative for Trade Negotiations

Generalized System of Preferences (GSP)

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Generalized System of Preferences (GSP); Acceptance for Review of Petitions To Modify the List of Articles Receiving Duty-Free Treatment; Public Hearings; Timetable

I. Deadline for Receipt of Requests To Participate in the Public Hearings

Requests to present oral testimony in connection with public hearings announced in 44 FR 32758 (June 7, 1979), and related written briefs, in twenty copies in English should be received by the Chairman of the GSP Subcommittee of the Trade Policy Staff Committee, Room 711, 1800 G Street, NW., Washington, DC 20506, not later than the close of business Monday, September 17, 1979. Oral testimony will be limited to five-minute presentations. All such requests and briefs must conform to the regulations codified at 15 CFR Parts 2001–2003 and 2007. Rebuttal briefs will be accepted if submitted in twenty copies in English within one week after the close of the hearings.

II. Notice of Public Hearings

Hearings will begin at 9:30 a.m. on Monday, September 24, 1979, in Room 2008 of the New Executive Office Building (entrance on 17th Street between Pennsylvania Avenue and H Street, NW.), Washington, DC, and will continue on that and subsequent days until all witnesses wishing to appear have been heard. The hearings on Friday, September 28, 1979, will be held in Room 9104 of the New Executive Office Building.

1. *Acceptance of petitions for review.* Notice is hereby given of acceptance for review of petitions to modify the list of articles receiving duty-free treatment under the Generalized System of Preferences (GSP) as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066–2071, 19 U.S.C. 2461–2465). These petitions have been submitted, and will be reviewed, pursuant to regulations codified at 15 CFR, Part 2007 (42 FR 45532, September 9, 1977).

The list of petitions accepted for review is set forth in Annex I at the end of this notice.

2. *Information Subject to Public Inspection.* Information submitted in connection with the hearings will be subject to public inspection by appointment at the Office of the Executive Director of the GSP Subcommittee of the TPSC, except for information granted business confidential status pursuant to 15 CFR 2003.6 and 15 CFR 2006.10.

The hearings will be open to the public, and transcripts of the hearings will be made available for public inspection or purchase.

3. *Solicitation of Public Views.* The TPSC invites submissions to be made in support of or opposition to any petition contained in Annex I to this notice. Such submissions should, however, conform to 15 CFR 2007.0, 2007.1(1), 2007.1(2), and 2007.1(3) (42 FR 45532, September 9, 1977).

4. *Communications.* All communications with regard to these hearings should be addressed to: Secretary, GSP Subcommittee, Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Room 711, Washington, DC 20506. The telephone number of the Secretary of the GSP Subcommittee is 202–395–6971.

Acceptance of the petitions listed in Annex I does not indicate any opinion with respect to a disposition on the merits of the petitions accepted for review. Acceptance indicates only that the listed petitions have been found to be formally adequate as bases for reviews by the TPSC, and that such reviews will take place.

Doris Whitnack,

Acting Chairman, Trade Policy Staff Committee.

BILLING CODE 3190-01-M

Annex I

Part 1: Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
		Pork, prepared or preserved (except sausages):	
79-1	107.30	Not boned and cooked and packed in airtight containers	Government of Romania
79-2	107.35	Boned and cooked and packed in airtight containers	do.
		Leather, in the rough, partly finished, or finished:	
		[Chamois; patent; upholstery leather]	
		Other:	
		Calf and kip:	
79-3	121.30	Upper	Government of Argentina
		[Pig and hog]	
		Other:	
		Not fancy:	
		[Vegetable-tanned goat and sheep, in the rough; buffalo; reptilian]	
		Other:	
		[Bovine]	
		Other leather:	
79-4	121.5945	Goat and kid	Florsheim Shoe Company Chicago, IL
		Fancy:	
79-5	121.60	Goat and kid	do., Government of India
79-6	130.45	Oats, hulled or not hulled	Government of Colombia
		Vegetables, fresh, chilled, or frozen, and cut, sliced, or otherwise reduced in size (but not otherwise prepared or preserved):	
		[Broccoli, cauliflower and okra]	
		Other:	
		Frozen:	
		[Asparagus]	
79-7	138.50 or 138.5060 pt.	Other or Artichoke hearts	Government of Chile do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I

Part 1: Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Vegetables (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved (except vegetables in schedule 1, part 8, subpart B of the Tariff Schedules of the United States): [Beans; cabbage; chickpeas or garbanzos; black-eye cowpeas; onions; peas; pimientos; tomatoes; water-chestnuts] Other: [Packed in salt, in brine, or pickled] Other: [Palm hearts] Other: [Frozen] Other: [Artichokes; asparagus; potatoes, dehydrated]	
79-8	141.8180 or 141.8180 pt.	Other or Tender cactus	Herdez USA Corp. Vernon, CA do.
		Mushrooms, fresh, or dried, or otherwise prepared or preserved:	
79-9	144.10	Fresh	Industrias Internacionales de Alimentos, S.A. Dominican Republic
		Berries, fresh, or prepared or preserved: [Fresh or in brine; and dried] Otherwise prepared or preserved: [Blackberries; black currants, gooseberries, lingon or partridge berries, and loganberries] Other berries: Frozen: [Strawberries]	
79-10	146.7550 or 146.7550 pt.	Other or Blackberries	Government of Chile do.
		Grapes, fresh, or prepared or preserved: [Fresh (in bulk, or in crates, barrels or other packages); dried]	
79-11	147.77 or 147.77 pt.	Otherwise prepared or preserved or Grape must	Government of Argentina do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I

Part 1: Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Mangoes, fresh, or prepared or preserved:	
		Fresh:	
		[If entered during the period from November 1 in any year, to the following March 31, inclusive]	
79-12	147.94 or 147.94 pt.	If entered at any other time or If entered during the period from April 1 in any year, to the following May 31, inclusive	Lincoln Diversified Systems, Inc. Chicago, IL do.
		Olives, fresh, or prepared or preserved:	
		[Fresh]	
		In brine, whether or not pitted or stuffed:	
		Not ripe and not pitted or stuffed:	
		[Not green in color and not packed in airtight containers of glass, metal, or glass and metal]	
79-13	148.44	Other	Hazayith of Israel
79-14	148.50	Pitted or stuffed	do.
		[Dried]	
79-15	148.56	Otherwise prepared or preserved	do.
		Papayas, fresh, or prepared or preserved:	
79-16	148.60	Fresh	Government of Panama
		Wrapper tobacco (whether or not mixed or packed with filler tobacco):	
79-17	170.10	Not stemmed	Government of Nicaragua, Cigar Association of America, Inc. Washington, DC
79-18	170.15	Stemmed	Cigar Association of America, Inc. Washington, DC
79-19	170.65 or 170.65 pt.	Cigarettes or Bidis	Government of India do.
		Cigars and cheroots:	
79-20	170.66	Cigars each valued 15 cents or over	Government of Mexico, Government of Nicaragua
79-21	175.36	Poppy seed	Government of Romania
		Edible preparations not specially provided for (including prepared meals individually packaged):	
		[Of gelatin]	
		Other:	
		[Containing over 5.5 percent by weight of butterfat and not packaged for retail sale]	

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		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Edible preparations not specially provided for, etc. (con.)	
		Other: (con.)	
		[Containing over 5.5 percent by weight of butterfat (con.)]	
		Other:	
		[Wheat gluten]	
		Other:	
		[Provided for in item 950.16; provided for in item 950.23; pancake flour and other flour mixes; refrigerated (including frozen) doughs]	
79-22	182.98 or 182.9888 pt.	Other or Pre-cooked rice	Government of Colombia - do.
		Wood blinds, shutters, screens, and shades, all the foregoing, with or without their hardware:	
79-23	206.65	Consisting of wooden frames in the center of which are fixed louver boards or slats, with or without their hardware	Miramar Corporation, Ltd. Taipei, Taiwan
		Yarns of wool or hair:	
		[Yarns of wool, colored, and cut into uniform lengths of not over 3 inches, in immediate packages or containers not over 6 ounces in weight including the weight of the immediate package or container]	
		Other:	
		[Of angora rabbit hair]	
79-24	307.64 or 307.64 pt.	Other or Yarns, handspun and handdyed	Manos del Uruguay, Montevideo, Uruguay do.
		Cordage:	
		Of vegetable fibers:	
		Of jute:	
		Not bleached, not colored, and not treated:	
79-25	315.80	The singles yarn of which measures under 720 yards per pound	Government of India, Government of Bangladesh
79-26	315.85	The singles yarn of which measures 720 yards or over per pound	Government of Bangladesh
		Bleached, colored, or treated:	
79-27	315.90	The singles yarn of which measures under 720 yards per pound	do., Government of India
79-28	315.95	The singles yarn of which measures 720 yards or over per pound	Government of Bangladesh

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		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Woven fabrics, of silk:	
		Wholly of silk:	
		Jacquard-figured:	
79-29	337.40	Degummed, bleached, or colored	Government of Thailand
		Woven or knit fabrics (except pile or tufted fabrics), of textile materials, coated or filled with rubber or plastics material, or laminated with sheet rubber or plastics:	
		Of man-made fibers:	
79-30	355.81	Over 70 percent by weight of rubber or plastics	Government of Korea
		Floor coverings of pile or tufted construction, of textile materials:	
		In which the pile was inserted or knotted during weaving or knitting:	
		With pile hand-inserted or hand-knotted:	
		[With over 50 percent by weight of the pile being hair of the alpaca, guanaco, huarizo, llama, misti, suri, or any combination of these hairs]	
		Other:	
79-31	360.15	Valued over 66-2/3 cents per square foot	Pande Cameroon & Company New York, NY, Government of Bangladesh, Government of India, Government of Turkey, Manos del Uruguay, Montevideo, Uruguay
		Floor coverings not specially provided for, of textile materials:	
		Of wool:	
		Woven, but not made on a power-driven loom:	
79-32	361.44	Valued over 30 cents per square foot	Manos del Uruguay, Montevideo, Uruguay
		Tapestries, including hand-worked petit-point and other needle-point tapestries, all the foregoing of textile materials:	
		[Gobelin and other hand-woven tapestries fit only for use as wall hangings, and valued over $20 per square foot]	
		Other:	
		Of wool:	
79-33	364.22 or 364.22 pt.	Valued over $2 per pound or Hand-woven mohair tapestries	Government of Lesotho do.

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	A.	Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Bags and sacks, or other shipping containers, of textile materials:	
		Of vegetable fibers, except cotton:	
79-34	385.45	Not bleached, not colored, and not rendered nonflammable	Government of Bangladesh
		Articles not specially provided for, of textile materials:	
		[Lace or net articles, whether or not ornamented, and other articles ornamented]	
		Other articles, not ornamented:	
		Of cotton:	
		[Knit (except pile or tufted construction); pile or tufted construction]	
		Other:	
		[Shoe uppers; inked ribbons]	
79-35	386.5040	Other	Noam-Urim, Israel
	or	or	
	386.5040 pt.	Sleeping bags	do.
		Of man-made fibers:	
		[Knit (except pile or tufted construction); pile or tufted construction]	
		Other:	
		[Artificial flowers]	
		Other:	
		[Tents and tarpaulins; shoe uppers; inked ribbons]	
79-36	389.6260	Other	do.
	or	or	
	389.6260 pt.	Nylon sleeping bags	do.
		Products suitable for medicinal use, and drugs:	
		Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States:	
		Drugs:	
		[Products provided for in TSUS items 407.20 through 407.80]	
		Other:	
		Anti-infective agents:	
		Antibiotics:	
		[Ampicillin and its salts; penicillin G, potassium; penicillin G, procaine; phenoxymethylpenicillin, potassium]	
79-37	407.8518	Other	Plantex/Ikapharm, Ltd., Israel
	or	or	
	407.8518 pt.	Amoxicillin trihydrate	do.
		Drugs primarily affecting the central nervous system, except alkloids and their derivatives:	
79-38	407.8555	Antidepressants, tranquilizers, and other psychotherapeutic agents	do.
	or	or	
	407.8555 pt.	Amitriptyline	do.

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	A.	Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Alcohols, monohydric, unsubstituted:	
79-39	427.88	Ethyl for nonbeverage use	Government of Argentina
		Mixtures not specially provided for:	
79-40	432.0065 or 432.0065 pt.	Pesticides or N.[(trichloromethyl) thio]-4-cyclohexene -1, 2-dicarboximide (Capton)	Makhteshim Chemical Works, Ltd., Israel
	or 432.0065 pt.	or Dimethyl (2,2,2-Trichloro -1-hydroxyethy) phosphorrate (Trichlorofon)	do.
		Ceramic tiles:	
		Floor and wall tiles:	
79-41	532.21	Mosaic tiles	Government of Colombia, Guatemala Export Promotion Center, Government of Malaysia, Stylex, S.A., Honduras
		Other:	
79-42	532.24	Glazed	Guatemala Export Promotion Center, Government of Mexico, Government of Malaysia
79-43	532.27	Other	Government of Colombia, Guatemala Export Promotion Center
		Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:	
		Of fine-grained earthenware (except articles provided for in items 533.14 and 533.16) or of fine-grained stoneware:	
		Available in specified sets:	
79-44	533.28	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C part 2 of schedule 5 of the Tariff Schedules of the United States is over $12	Government of Romania
		Of nonbone chinaware or of subporcelain:	
		Household ware available in specified sets:	
79-45	533.66	In any pattern for which the aggregate value of the articles listed in headnote 2(b) of subpart C part 2 of schedule 5 of the Tariff Schedules of the United States is over $24 but not over $56	do.

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	A.	Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Glass (whether or not containing wire netting), in rectangles, not ground, not polished and not otherwise processed, weighing over 4 oz. per sq. ft.:	
		[Cast or rolled glass]	
		Other, including blown or drawn glass, but excluding pressed or molded glass:	
		Ordinary glass:	
		Weighing over 16 oz. but not over 28 oz. per sq. ft.:	
79-46	542.31	Measuring not over 40 united inches	Government of the Philippines, Government of Romania
79-47	542.33	Measuring over 40 but not over 60 united inches	Government of the Philippines, Government of Romania
79-48	542.35	Measuring over 60 but not over 100 united inches	Government of the Philippines, Government of Romania
79-49	542.37	Measuring over 100 united inches	Government of Romania
		Weighing over 28 oz. per sq. ft.:	
79-50	542.42	Not over 2-2/3 sq. ft. in area	do.
79-51	542.44	Over 2-2/3 but not over 7 sq. ft. in area	do.
79-52	542.46	Over 7 but not over 15 sq. ft. in area	do.
79-53	542.48	Over 15 sq. ft. in area	do.
79-54	544.31	Toughened (specially tempered) glass, made of any of the glass described in items 541.11 through 544.18, whether or not shaped or framed or both	Government of the Philippines
		Articles chiefly used in the household or elsewhere for preparing, serving, or storing food or beverages, or food or beverage ingredients; smokers' articles, household articles, and art and ornamental articles, all the foregoing not specially provided for:	
		[Glassware provided for in items 546.11 thru 546.38]	
		Other glassware:	
		[Smokers' articles; perfume bottles fitted with ground glass stoppers]	
		Other:	
79-55	546.52	Valued not over $0.30 each	Allen Lewis Manufacturing Co., Inc., Denver CO
79-56	546.54	Valued over $0.30 but not over $1.00 each	do.

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	A.	Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Pipes and tubes and blanks therefor, all the foregoing of iron (except cast iron) or steel: Welded, jointed, or seamed, with walls not thinner than 0.065 inch, and of circular cross section: Other than alloy iron or steel: 0.375 inch or more in outside diameter: [Suitable for use in boilers, superheaters, heat exchangers, condensers and feedwater heaters] Other:	
79-57	610.3265	Over 16 inches in outside diameter	Grand Bahama Steel & Pipe Co., Ltd. Freeport, Bahamas
		Unwrought aluminum: [Of uniform cross-section throughout its length, the least cross-sectional dimension of which is not greater than 0.375 inch, in coils Other:	
79-58	618.02	Aluminum other than alloys of aluminum	Government of Romania
		Alloys of aluminum: [Aluminum silicon]	
79-59	618.06	Other	do.
		Unwrought lead: [Lead bullion] Other:	
79-60	624.0330	Alloyed	Government of Mexico
		Brads, nails, spikes, staples, and tacks, all the foregoing, not described in the foregoing provisions of subpart D of part 3 of schedule 6 of the Tariff Schedules of the United States, of base metal: Of iron or steel (except articles with heads of nonferrous metals): Of one piece construction: Made of round wire:	
79-61	646.25	Under 1 inch in length and under 0.065 inch in diameter	Government of India
		Locks and padlocks (whether key, combination, or electrically operated), luggage frames incorporating locks, all the foregoing, and parts thereof, of base metal; lock keys: [Padlocks; cabinet locks; luggage locks, and parts thereof, and luggage frames incorporating locks]	
79-62	646.92	Other	Government of Colombia, Government of Mexico

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)		
		Knives not specifically provided for elsewhere in subpart E of part 3 of schedule 6 of the Tariff Schedules of the United States, and cleavers, with or without their handles:	
79-63	650.01	Without handles	Manos del Uruguay, Montevideo, Uruguay
		Knives with their handles:	
		With rubber or plastics handles:	
		[Table, kitchen, and butcher knives]	
79-64	650.17	Other	Government of Brazil
		Scissors and shears (except machines and except shears provided for in items 650.71 thru 650.85), and blades therefor:	
79-65	650.91	Valued over $1.75 per dozen	Government of India
		Pinking shears:	
79-66	650.9110	Valued over $30 per dozen	Marks International, Incorporated Newton, MA
		Weighing machinery and scales (except balances of a sensitivity of 5 centigrams or better provided for in part 2D of schedule 7 of the Tariff Schedules of the United States), including weight-operated counting and checking machines, and parts thereof; weighing machine weights not provided for in part 2D of schedule 7 of the Tariff Schedules of the United States:	
		[Weighing machinery for use in the manufacture of sugar; fully automatic weighing machinery requiring no manual operations for weight determinations, and accurate to 1/20 of 1 percent or better of the maximum weighing capacity, on weight tests within the weighing range of the scale]	
79-67	662.30	Other	Government of Argentina, Government of Mexico
		Gear boxes and other speed changers with fixed, multiple, or variable ratios; pulleys and shaft couplings; pillow blocks; flange, take-up cartridge, and hanger units; torque converters; chain sprockets; clutches and universal joints; all the foregoing (except parts of agricultural or horticultural machinery and implements provided for in item 666.00 and parts of motor vehicles, aircraft, and bicycles) and parts thereof:	
79-68	680.50	Pulleys and shaft couplings, and parts thereof	New Born Brothers & Company, Inc., Columbia, MD
	or	or	
	680.50 pt.	Gray-iron tackle pulleys	do.

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:	
		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof:	
		[Television apparatus, and parts thereof]	
		Other:	
79-69	685.21 pt.	Solid-state (tubeless) radio receivers: Designed for motor-vehicle installation	Government of Korea
		Clocks:	
		[With watch movements; or with clock movements measuring less than 1.77 inches in width]	
		With other movements:	
		[Standard marine chronometers having spring-detent escapements]	
		Other clocks:	
79-71	715.33	Valued over $10 each	Government of Korea
		Stringed musical instruments:	
		Pianos (including player pianos, whether or not with keyboards); harpsichords, clavichords, and other keyboard stringed instruments:	
79-72	725.01	Pianos (including player pianos, whether or not with keyboards), except grand pianos	do.
		Furniture, and parts thereof, not specially provided for:	
79-73	727.10	Of unspun fibrous vegetable materials	Guatemala Export Promotion Center, Government of Mexico, Government of Nicaragua, Government of Thailand, Government of Yugoslavia
	or	or	
	727.10 pt.	Of willow	Interplet Zagreb, Yugoslavia

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Slide fasteners, and parts thereof including tapes in continuous lengths but not including tapes wholly of textile fibers:	
79-74	745.70	Fasteners: Valued not over 4 cents each	Government of Brazil
79-75	745.72	Valued over 4 cents each	do.
79-76	745.74	Parts	do.
79-77	760.15	Marking pens having a wick-like tip of felt or other material	Drafton, Ltd., Israel
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences	
		Strands, ropes, cables, and cordage, all the foregoing, of wire, whether or not cut to length, and whether or not fitted with hooks, swivels, clamps, clips, thimbles, sockets, or other fittings or made up into slings, cargo nets, or similar articles: Not fitted with fittings and not made up into articles: Not covered with textile or other non-metallic material: Ropes, cables, and cordage other than wire strand: Valued 13 cents or more per pound: [Of stainless steel] Other: Of iron or steel (except stainless): [Of brass plated wire]	
79-78	642.1630	Other	Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers Washington, DC
		Eyeglasses, lorgnettes, goggles, and similar articles, all the foregoing whether used for corrective, protective, or other purposes; frames and mountings for any of the foregoing, and parts of such frames and mountings:	
79-79	708.47	Frames and mountings, and parts thereof	Optical Manufacturers Association Arlington, VA

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences (con.)		
		Toys, and parts of toys, not specially provided for: [Toys having a spring mechanism] Other: [Kites] Other: [Toys having a friction or weight operated motor; toys having an electric motor] Other (except parts): Wholly or almost wholly of rubber or plastics:	
79-80	737.9535 or 737.9535 pt.	Inflataole or Toy balloons (including rubber punch balls)	Association of American Toy Balloon Manufacturers, Washington, DC do.
		Film, strips, sheets, plates, slabs, blocks, filaments, rods, seamless tubing, and other profile shapes, all the foregoing wholly or almost wholly of rubber or plastics: Not of cellulosic plastics materials: Film, strips, and sheets, all the foregoing which are flexible: [Made in imitation of patent leather] Other:	
79-81	771.4212	Of polyvinyl chloride	Plastics Import Action Committee, New York, NY
	C. Petitions to subdivide TSUS items currently designated as eligible articles for the Generalized System of Preferences		
		Leather, in the rough, partly finished, or finished: [Chamois; patent; upholstery leather] Other: [Calf and kid; pig and hog] Other: Not fancy:	
79-82	[121.55] 121.55 pt. 121.55 pt.	Buffalo: Water buffalo Other	Florsheim Shoe Company Chicago, IL, Import Leather Inc., Exter, NH

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		C. Petitions to subdivide TSUS items currently designated as eligible articles for the Generalized System of Preferences (con.)	
		Other edible nuts, shelled or not shelled, blanched, or otherwise prepared or preserved: Shelled, blanched, or otherwise prepared or preserved: [Almonds; brazil nuts; cashews; filberts; peanuts; pecans; pignolia; pistache; walnuts] Other edible nuts: [Shelled or blanched]	
	[145.60]	Other:	
79-83	145.60 pt.	Litchi	Eastimpex San Francisco, CA
	145.60 pt.	Other	
		Generators, motors, motor-generators, converters (rotary or static), transformers, rectifiers and rectifying apparatus, and inductors; all the foregoing which are electrical goods, and parts thereof: [Transformers; motors; commutators; parts of motors of under 1/40 horsepower]	
	[682.60]	Other:	
79-84	682.60 pt.	Coils and inductors	General Electric Company Bridgeport, CT
	682.60 pt.	Other	
		and	
	682.60 pt.	Coils and inductors for motors and generators	Coilcraft Cary, IL
	682.60 pt.	Other coils and inductors	
	682.60 pt.	Other	
		Electrical articles, and electrical parts of articles, not specially provided for [Ferrite core memories]	
	[688.40]	Other:	
79-85	688.40 pt.	Musical tone synthesizers	Calfax, Inc. New York, NY
	688.40 pt.	Other	
	[735.20]	Puzzles; game, sport, gymnastic, athletic, or playground equipment; all the foregoing, and parts thereof, not specially provided for:	
79-86	735.20 pt.	Raquetball rackets	Wilson Sporting Goods Co. River Grove, IL
	735.20 pt.	Other	

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		C. Petitions to subdivide TSUS items currently designated as eligible articles for the Generalized System of Preferences (con.)	
		Jewelry and other objects of personal adornment, and small articles ordinarily carried in the pocket, in the handbag, or on the person for mere personal convenience, all the foregoing, and parts thereof, of precious metal (including rolled precious metal), of precious stones, of natural pearls, of precious metal (including rolled precious metal) set with semiprecious stones, cameos, intaglios, amber, or coral, or of any combination of the foregoing:	
		[Of silver (including rolled silver) and valued not over $18 per dozen pieces or parts]	
	[740.10]	Other:	
		Of precious metals:	
		Machine-made gold chain:	
79-87	740.10 pt.	Not over 0.8mm in diameter	Israel Export Institute, Israel
	740.10 pt.	Over 0.08mm in diameter	
	740.10 pt.	Hand-made gold chains weighing per length of 18 inches:	
	740.10 pt.	Not over 25 grams	
	740.10 pt.	Over 25 grams	
	740.10 pt.	Gold jewelry mounted with precious stones	
	740.10 pt.	Other	
79-88	[741.50]	Articles not specially provided for, of beads, of bugles, of spangles, of imitation gemstones, or of any combination thereof:	
	741.50 pt.	Plastic beaded curtains	Alanco Industries, Inc. New York, NY
	741.50 pt.	Other	

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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
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DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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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	
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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

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Health Care Financing Administration—

30341 5–25–79 / Timely claims payment provisions

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 August 17, 1979.

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