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Tuesday
September 4, 1979

Highlights

51554 **Natural Gas** DOE/FERC establishes rule and policy statement regarding recovery of certain production related costs incurred by transporters and shippers of natural gas produced at Prudhoe Bay, Alaska; effective 10–23–79; petitions for hearings 9–24–79

51625 **Food Stamp Workfare Demonstration Project** USDA/FNS announces reopening of opportunity for applications; additional comments by 9–18–79

51726–51778 **Medical Devices** HEW/FDA issues rule regarding provisions applicable to classification of neurological devices; effective 10–4–79 (103 documents) (Part III of this issue)

51687 **Health** HEW/PHS prints notice of availability of draft on national disease prevention objectives; comments by 11–2–79

51567 **U.S./China Banking Transactions** Treasury/FS amends rule deleting China from list of restricted countries; effective 9–1–79

51612 **Natural Gas** DOE/FERC solicits comments by 9–24–79 on proposal to permit transport by interstate pipelines for delivery to other interstate pipelines; public hearing on 9–24–79

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51780 **Energy** CSA provides final rule on Energy Crisis Assistance Program; effective 10–4–79 (Part IV of this issue)

51683 **Air Quality** EPA gives notice of ambient air monitoring reference method designation

51610 **Major Disaster Areas** SBA proposes procedures conforming with Presidential declarations; comments by 12–3–79

51603 **Passenger Cars** DOT/NHTSA promulgates rule establishing new tire sizes; effective 10–4–79

51691 **Aviation** DOT/FAA solicits recommendations from users of the national airport and airway system in reducing nonessential Federal expenditures; comments by 1–2–80

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51696 **Antidumping** Treasury/Sec'y issues notice of intent to revoke dumping finding covering cadmium from Japan; effective 9–4–79; comments by 10–4–79

51696 **Antidumping** Treasury/Sec'y issues notice of intent to revoke dumping finding covering portland cement from Sweden; effective 9–4–79; comments by 10–4–79

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51608 **Pacific Tuna Fisheries** Commerce/NOAA issues amendatory regulations to implement conservation measures of the Inter-American Tropical Tuna Commission; effective 8–28–79

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51713 **Sunshine Act Meetings**

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51726 **Part III, HEW/FDA**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Rev. 6, Amdt. 23, Correction]

Business Loan Policy; Correction

AGENCY: Small Business Administration.

ACTION: Correction.

SUMMARY: The proposed rule published May 7, 1979 (44 FR 26748), contained the instruction to renumber the existing paragraph (10) as (12) and insert the new paragraph (10). The authority paragraph in the final rule published August 20 (44 FR 48653) omitted the instruction to renumber the existing paragraph (10). This notice corrects that omission.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Robert H. Bartlett, Chief, Program Operations Division, Office of Financing, Small Business Administration, telephone (202) 653–6470.

PART 120—BUSINESS LOAN POLICY

The authority paragraph in the August 20 publication of the final rule (44 FR 48653) is amended to read as follows: Pursuant to the authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, § 120.2(d) of Part 120 is revised by renumbering the present subparagraph (10) as (12) and inserting a new subparagraph (10) as follows:

Dated: August 28, 1979.

John C. Reidy, Jr.,
Federal Register Liaison Officer.

[FR Doc. 79-27428 Filed 8-31-79; 8:45 am]
BILLING CODE 8025-9-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-GL-10-AD; Amdt. 39-3548]

Airworthiness Directives; Detroit Diesel Allison—Model 250-C28

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective on all 250–C28 series engines by airmail letter dated July 19, 1979. The AD requires removal from service of certain 3rd stage turbine wheels subject to vibratory fatigue failure.

DATES: Effective—September 6, 1979.

Compliance as defined in the body of this Airworthiness Directive.

FOR FURTHER INFORMATION CONTACT: Roland West, Propulsion Section, AGL–214, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–4500, extension 308.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by the Administrator, an AD was adopted on July 19, 1979, and made effective immediately by airmail letter and applicable to all Detroit Diesel Allison 250–C28 series turboshaft engines. This action was prompted by three third stage turbine blade failures which resulted in a power loss below that necessary to maintain flight. Since this condition is likely to exist on other engines of this type design, an AD was issued to require removal from service of the affected part number third stage wheels.

The airmail letter referred to "250–C28 Series". The applicability statement of this AD has been reworded to refer to "250–C28B and 250–C28C" for clarification. There are no other 250–C28 Series engines in existence.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately. Since the possibility of this condition continues to exist, the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following airworthiness directive:

Detroit Diesel Allison: Applies to all Model 250–C28B and 250–C28C Series engines equipped with third stage turbine wheel P/Ns 6898553 or 6898773 installed in, but not limited to Bell 206L–1 rotorcraft certificated in all categories.

Compliance required as indicated unless previously accomplished.

A. For turbine wheels with less than 300 hours total time in service, compliance is required before reaching 325 hours total time in service.

B. For turbine wheels with more than 300 hours total time in service, compliance is required within 25 hours time in service.

To preclude engine power loss due to possible turbine blade failure, remove above listed third stage turbine wheels from service.

This amendment becomes effective September 6, 1979, as to all persons except those to whom it was made immediately effective by the airmail letter dated July 19, 1979, which contained this amendment.

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

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Roland West, Engineering and Manufacturing Branch, AGL–214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois, on August 17, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-27413 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 18422; Amdt. 39-3553]

Airworthiness Directives; Short Brothers Ltd. Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires replacement of life limited fuselage skin panel buttstraps on Short Brothers Ltd. Model SD3-30 airplanes. The proposed AD is prompted by a report that failure of the affected components could occur if left in service beyond 10,000 flights which could result in structural failure of the fuselage.

DATES: Effective October 4, 1979.

Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Manager—Spares and Support, Product Support Department, Short Brothers Ltd., P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D.C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513, 38.30, or C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8574.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of life limited fuselage skin panel buttstraps on Short Brothers Ltd. Model SD3-30 airplanes was published in the **Federal Register** at 43 FR 49989.

The proposal was prompted by the manufacturer's report of failures of the fuselage skin panel buttstraps on certain serial numbered Short Brothers Ltd. Model SD3-30 airplanes occurring if left in service beyond 10,000 flights. The life limit is established as a result of the discovery that certain early production airplanes had installed buttstraps of a material other than that specified.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without substantive change. Clarifying language has been added concerning the FAA-approved equivalent to the manufacturer's service bulletin.

Adoption of the Amendment

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

Short Brothers Ltd. Applies to Model SD3-30 airplanes, S/Nos. SH 3004, 3005, 3006, 3007, and 3008, certificated in all categories.

Compliance is required prior to the accumulation of 10,000 flights, unless already accomplished.

To prevent failure of the fuselage skin panel buttstraps, accomplish the following:

(a) Replace or reinforce the original fuselage skin panel buttstraps in accordance with Section 2, "Accomplishment Instructions" of Short Brothers Ltd. Service Bulletin SD3-53-28, dated May 5, 1978, or an equivalent approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

(b) For purposes of complying with this AD, a flight is defined as one takeoff and one landing.

This amendment becomes effective October 4, 1979.

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

Note.—The FAA has determined that this document involves a proposed 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 action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on August 23, 1979

James O. Robinson,

Acting Director, Office of Airworthiness.

[FR Doc. 79-27412 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 18425; Amdt. 39-3552]

Airworthiness Directives; Short Brothers Ltd. Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires replacement of life limited wing flap control rods on Short Brothers Ltd. Model SD3-30 airplanes. The manufacturer's fatigue testing program has established that failure of the control rods could occur if they are left in service beyond 10,000 flights. Failure of the rod could result in loss of aircraft control.

DATES: Effective October 4, 1979.

Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Manager—Spares and Support, Product Support Department, Short Brothers Ltd., P.O. Box 241—Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513,38.30, or C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of life limited wing flap control rods on Short Brothers Ltd. Model SD3-30 airplanes was published in the **Federal Register** at 43 FR 50444.

The proposal was prompted by the manufacturer's report of failures of the flap control rods, Part Nos. SD3-45-1853 and SD3-45-1855, could occur on early production Short Brothers Ltd. Model SD3-30 airplanes if they are left in service beyond 10,000 flights. The life limit has been established by the manufacturer as a part of its continuing fatigue testing program.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without substantive

change. Clarifying language has been added concerning the FAA-approved equivalent to the manufacturer's service bulletin.

Adoption of the Amendment

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

SHORT BROTHERS Ltd. Applies to Model SD3-30 airrplanes, S/Nos. SH 3004, 3005, 3006, 3007, and 3008, certificated in all categories.

Compliance is required prior to the accumulation of 10,000 flights or prior to the accumulation of 25 flights after the effective date of this AD, whichever occurs later, unless already accomplished; and thereafter at intervals not to exceed 10,000 flights.

To prevent fatigue failure of the flap control rods, replace flap control rods, Part Nos. SD3-45-1853 and SD3-45-1855, located immediately aft of wing center section rear spar and part of inner flap mechanism, with new rods of identical part numbers in accordance with Section 2, "Accomplishment Instructions" of Short Brothers Ltd. Service Bulletin SD3-27-14, dated April 28, 1978, or an equivalent approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. For purposes of complying with this AD, a flight is defined as one takeoff and one landing.

This amendment becomes effective October 4, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 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 action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on August 23, 1979.

James O. Robinson,

Acting Director, Office of Airworthiness.

[FR Doc. 79-27411 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-2-AD; Amdt. 39-3550]

Airworthiness Directives; AiResearch Model GTCP85 Series APU's

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the incorporation of a heavy wall conical tailpipe assembly in specific series of the AiResearch Model GTCP85 Series Auxiliary Power Unit (APU). This AD is necessary to preclude the possible release of high energy fragments of the turbine assembly which could result from failure of a segment of the turbine rim.

DATE: Effective October 8, 1979.

Compliance schedule—As prescribed in the body of the AD.

ADDRESS: The applicable service information may be obtained from: AiResearch Manufacturing Company of Arizona, P.O. Box 5217, Phoenix, Arizona 85010, telephone: (602) 267-3011.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTAL INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring the incorporation of a heavy wall conical tailpipe assembly in specific series of the AiResearch Model GTCP85 Series APU was published in the **Federal Register** at 44 FR 24571. The proposal was prompted by nine reports of cast turbine wheel separations wherein a segment of the rim became dislodged from the hub. In three cases a blade segment exited the APU and surrounding aircraft shroud and caused damage to the aircraft.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to this notice.

The manufacturer and one operator recommended the inclusion of the heavy wall conical tailpipe assembly which was newly manufactured as Part Number 976987-1 be added to paragraph (a)(2) as a part acceptable for meeting compliance with the AD for APUs in Group B. The FAA agrees with this recommendation and paragraph (a)(2) of the final rule has been revised accordingly.

Several operators commented that the 3,000 operating cycle compliance time would result in an undue economic burden. The average utilization of these operators would require compliance with the AD for many APUs within one year rather than the two to three years it would take if the heavy wall tailpipe were incorporated at the time at which the APUs are currently scheduled for their shop visits. One operator further commented that there would be an additional economic burden imposed as a result of replacing APU parts other than the heavy wall tailpipe which would be inspected during the accomplishment of this AD and would not be found in an acceptable condition for return to operational service. Considering the time which has expired since the manufacturer first notified the operators of the problem of turbine wheel containment and the potential failure which could exist, the FAA does not agree that the 3,000 cycle compliance period causes an undue hardship on the affected operators. Furthermore, this AD requires neither the disassembly nor the inspection of the remainder of the APU which, however, must be maintained in an airworthy condition at all times while operating on certificated aircraft without regard to this AD.

After careful review of all available data, including comments above, the FAA has determined that sufficient evidence exists in the public interest in aviation safety to adopt the proposed rule with the relieving changes noted above.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

AiResearch Manufacturing Company of Arizona: Applies to the following groups of Model GTCP85 series Auxiliary Power Units (APUs) which have cast turbine wheel Part Number 968095-1, -3, -5 or 3604604-1 installed:

Note.—These APUs are installed in but not limited to Boeing 727-100/-200, Lockheed L-100, Boeing 707 (conversion), Lockheed 382-Series, Douglas DC-9, Avions Marcel Dassault—Breguet Aviation Mercure and British Aerospace Corporation BAC 1-11, Trident 3B, Trident 1, and Trident 2E aircraft.

Group A: GTCP85-98CK, GTCP85-98CK(A), or GTCP85-98CK(B) with exhaust pipe assembly Part Number 379529 or 976987-1.

Note.—Part Number 976987-1 may be either a new production part or part reworked from Part Number 379529 per AiResearch Service Bulletin 49-1790, Revision 1, dated March 21, 1971, or original issue of this service bulletin.

Group B: GTCP85-98DCK, GTCP85-115CK, GTCP85-115H, GTCP84-139H, or GTCP85-163CK with exhaust pipe assembly Part Number 379529 or 976987-1 reworked from Part Number 379529 per AiResearch Service Bulletin 49-1790, Revision 1, dated March 21, 1971, or original issue of this service bulletin.

Group C: GTCP85-185L with exhaust pipe assembly Part Number 899607-1.

Note.—Operators of airplanes incorporating the APUs affected by this airworthiness directive are advised to examine the applicable sections of AiResearch Alert Service Bulletin GTCP85-49-A5078, Revision 1, dated March 29, 1979, and AiResearch Service Bulletin GTCP85-49-3688, Revision 5, dated February 9, 1979, to identify production configuration of these units as well as the methods of reworking the exhaust pipe assemblies to the approved replacement configuration.

Compliance required as indicated.

To prevent the release of high energy turbine wheel blade fragments, accomplish the following, unless already accomplished:

(a) For APUs with turbine wheels Part Number 968095-1, -3, -5, or 3604604-1 installed, remove the exhaust pipe assemblies listed for Group A, B, and C above and install a strengthened exhaust pipe assembly as defined below at next APU overhaul, or within the next 3,000 operating cycles after the effective date of this AD, whichever occurs first, or in any case, not later than three years from the effective date of this AD.

(1) APUs in Group A are to have a Part Number 3607748-1, 966580-1, or 966580-3 exhaust pipe assembly installed.

(2) APUs in Group B are to have an exhaust pipe assembly Part Number 3607748-1, 966580-3 or an exhaust pipe assembly originally manufactured as Part Number 976987-1 installed.

(3) APUs in Group C are to have a Part Number 3607748-1 exhaust pipe assembly installed.

Note.—For the purposes of this AD, one cycle equals one start/shutdown of the APU. If the operator does not have a record of operating cycles on individual turbine wheels, he may assume two starts have occurred for each recorded APU operating hour of service, or any other cycle per hour ratio approved by the operator's assigned FAA maintenance inspector, provided the request contains substantiating data to justify the alternative ratio. Operators who have not kept a record of APU operating hours of service shall estimate hours of APU operation by equating APU operation to airplane hours time in service using a ratio approved by the operator's assigned FAA maintenance inspector and justified by substantiating data.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 8, 1979.

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

Issued in Los Angeles, California on August 22, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-27410 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-33]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near St. Clairsville, Ohio to accommodate a new Very High Frequency Omnidirectional Range (VOR) instrument approach into Alderman Field Airport, St. Clairsville, Ohio established on the basis of a request from the Alderman Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 37629 of the **Federal Register** dated June 28, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at St. Clairsville, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979 as follows:

In § 71.181 (44 FR 442) the following addition should be made:

St. Clairsville, Ohio

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Alderman Field Airport (latitude 40°03'25"N, longitude 80°57'48"W); within 1.5 miles either side of the Bellaire VORTAC 290° radial extending from the 5.5 mile radius to the VORTAC.

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

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

79–GL–33, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on August 22, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79–27409 Filed 8–31–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–SO–36]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Atlanta, Ga. Terminal Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment alters the Atlanta, Georgia, Terminal Control Area (TCA) by designating additional TCA airspace where required to accommodate long range aircraft departing Runway 8 and turbojet aircraft arriving from the southeast and southwest executing profile descents. The William B. Hartsfield Atlanta International Airport currently averages approximately 1,700 operations per day and during the 12-month period ending April 30, 1978, recorded 18,981,175 enplaned passengers. The amendment represents the minimum amount of airspace required in the interest of safety to contain turbojet operations in the TCA.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Clifford C. Monteau, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7866.

SUPPLEMENTARY INFORMATION:

History

A Notice of Proposed Rulemaking was published in the **Federal Register** on Thursday, June 21, 1979 (44 FR 36200), which proposed the alteration of the Atlanta, Georgia, Terminal Control Area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. More than two hundred comments were received on the NPRM.

The Airline Pilots Association, Air Transport Association of America, City of Atlanta Department of Aviation, Hill Aircraft and Leasing at Charlie Brown County Airport, Therm-Mech, an Atlanta firm that uses DeKalb-Peachtree Airport, and several other persons concurred in the proposal. The Air Transport Association of America also urged consideration of additional TCA airspace to accommodate departure corridors to the southeast and southwest as noise relief routes for communities currently impacted by noise. The restrictive impact of TCA airspace upon the aviation community rules out speculative designation. The noise problem is a separate issue addressed by FAA policy and procedure aside from those used for airspace designation.

Objections to the proposal were received from the Fairview Civic Club of Ellenwood, Georgia, the Aircraft Owners and Pilots Association, many of its members, and other interested persons. A number of the comments received did not address the proposal but simply endorsed the AOPA position. The Fairview Civic Club objected to Area B with a proposed floor of 2,100 feet north of their community. They proposed that heavy long-range aircraft now operating from Atlanta be required to fly lighter, if necessary, in order to remain within the current TCA having a 2,500-foot base altitude. Terminal Contol Area is designated solely for the purpose of providing a positive control environment for aircraft and restricting the weight of departing aircraft is considered outside the scope of the proposal. The Area B proposal recognized a TCA design deficiency that was aggravated by the increasing number of long-range flights departing Hartsfield Atlanta Airport. On the west side of the airport the surface area extends 7 miles west of the departure end of Runway 26, an adequate distance for heavy turbo-jet aircraft to reach 2,500 feet MSL. However, on the east side of the airport, the surface area extends only 5.25 miles east of the departure end of Runway 8. This distance is not sufficient for aircraft to reach 2,500 feet under all temperature conditions. A small portion of the area adjacent to the surface area east of Runway 8 was lowered to 2,100 feet MSL. This change provides TCA protection for departing aircraft. Another objection received to Area B was that it would force VFR flights 400 feet lower and the alternative of flying around the area would require flight 2 miles further east of Atlanta. Neither alternative imposes a significant burden. The location of the Rex VOR under Area B does not complicate navigation, as other suitable methods exist for VFR circumnavigation of either the surface area or Area B.

The AOPA submitted a counterproposal to the changes proposed in the NPRM. Their "proposal incorporates all the TCA base altitude changes proposed in Airspace Docket No. 79–SO–36 to include the current operation of turbine-powered aircraft departures and profile descent procedures." The AOPA proposed a corridor concept for TCA design that would essentially reduce the ceiling of the TCA within 20 miles of the airport to 8,000 feet, and above that would eliminate the remainder of the TCA except for four corridors extending to 12,500 feet. Depending upon the landing direction, two corridors would be used by arriving aircraft and two for departing. While a TCA having a four-corridor configuration might have merit for application at some locations, it would increase both inbound and outbound delays at Atlanta and increase overall flight mileage as well. The AOPA TCA configuration would require aircraft to remain in a corridor until reaching an altitude of 12,500 feet. Air carrier operations for the Hartsfield Atlanta Airport were 521,920 for a 12-month period ending August 1, 1979. Approximately one-half, or 260,960, of these were departing aircraft. The existing TCA permits departing aircraft destined for a route opposite or 90° to the takeoff direction to be turned on course, or approximately so, upon reaching 5,000 feet. These aircraft, or about one-half of the departing aircraft, would be required to climb in a corridor until reaching 12,500 feet, an extra flight distance of 19 miles for a Boeing 727. Conservatively, the corridor arrangement would add an additional 2,400,000 flight miles annually. The AOPA design would also increase flight mileage for arriving aircraft, although to a lesser extent. On the other hand, the AOPA proposal would substantially increase arrival delays. In the existing Atlanta TCA configuration, four arrival flows (two per runway are used with traffic from two arrival fixes being blended at each of the two base leg turn points. Extensive air traffic control experience gained in the use of profile descent procedures demonstrates that this is the most efficient and effective way to sustain an arrival rate matching runway capacity. Use of only two arrival flows (one per runway) would double the concentration of arriving aircraft over an arrival fix and thereby require additional holding above 12,500 feet. The existing ATC system does not have the precision spacing capability required to extract aircraft from holding patterns and deliver them in a single flow at a sustained rate to match runway capacity. Under most circumstances, runway capacity at the Hartsfield Atlanta Airport is the delaying factor for arriving aircraft.

Under the two-arrival corridor concept proposed by AOPA, ATC rather than runway capacity would become the principal delaying factor.

The rule

This amendment alters the Atlanta TCA by adding TCA airspace where required for long-range aircraft departing from Runway 8 and aircraft arriving from the southeast and southwest executing profile descents. The original Atlanta TCA became operational on June 25, 1970, and has been revised several times to accommodate different aircraft types, procedures and runway configurations. Since the last revision on October 6, 1977, additional west coast and intercontinental service have been instituted from Atlanta. These aircraft are heavier and climb slower than other types of aircraft operations. The current TCA is inadequate to contain these operations.

The TCA was altered in 1977 to accommodate profile descent procedures. The primary goals of profile descent procedures are increased safety, reduced noise, and fuel conservation. The subsequent annual review of these procedures indicated that they needed refinement to fully meet these goals. If aircraft descended on the prescribed profile, they dropped below the floor of the TCA. This created a safety problem. In order to remain within the TCA, aircraft are now required to descend in a stair-step fashion. Consequently, the goals of noise abatement and fuel conservation are compromised because power must be added to remain within the TCA.

Lowering the floor of the area east of Runway 8 and the areas southeast and southwest of the Atlanta Airport as proposed will assure that aircraft departing Runway 8 will operate at or above the floor of the TCA, and that arrivals from the southeast and southwest will be able to execute an unrestricted profile descent for maximum noise abatement and fuel conservation purposes, and also operate at or above the designated TCA floors.

Adoption of the Amendment

Accordingly, Subpart K, § 71.401 of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (44 FR 654), is amended effective 0901 GMT, October 4, 1979, as follows:

The William B. Hartsfield Atlanta International Airport

Latitude 33°38'31" N., Longitude 84°25'34" W.

Area A—That airspace extending upward from the surface to and including 12,500 feet MSL, bounded on the east and west by a seven-mile radius of the Atlanta VORTAC, on the south by a line four miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line four miles north of and parallel to the Runway 08/26 localizer courses; excluding the Charlie Brown County Airport Control Zone.

Area B—That airspace extending upward from 2,100 feet MSL to and including 12,500 feet MSL east of Atlanta Hartsfield Airport between the 7 and 9 nautical mile radius of Atlanta VORTAC, bounded on the south by the Atlanta VORTAC 090 radial and on the north by a line four miles north of and parallel to the Runway 08/26 localizer courses.

Area C—That airspace extending upward from 2,500 feet MSL to and including 12,500 feet MSL, bounded on the east and west by a 12-mile radius of the Atlanta VORTAC, on the south by a line four miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line four miles north of and parallel to the Runway 08/26 localizer courses; excluding the Charlie Brown County Airport Control Zone and that airspace contained in Areas A and B.

Area D—That airspace extending upward from 3,500 feet MSL to and including 12,500 feet MSL, bounded on the east and west by a 20-mile radius of the Atlanta VORTAC, on the south by a line eight miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line eight miles north of and parallel to the Runway 08/26 localizer courses; excluding that airspace contained in Areas A, B, and C.

Area E—That airspace extending upward from 4,000 feet MSL to and including 12,500 feet MSL south of the Atlanta VORTAC 090 and 270 radials, bounded on the east and west by a 25-mile radius of the Atlanta VORTAC, on the south by a line 12 miles south of and parallel to the Runway 09R/27L localizer courses; excluding that airspace from the Atlanta VORTAC 138 radial clockwise to the Atlanta VORTAC 218 radial and within Areas A, C, and D.

Area F—That airspace extending upward from 5,000 feet MSL to and including 12,500 feet MSL, bounded on the east and west by a 25-mile radius of the Atlanta VORTAC, clockwise between a line 12 miles south of and parallel to the Runway 09R/27L localizer courses and the Atlanta VORTAC 138 radial, and clockwise between the Atlanta VORTAC 218 radial and a line 12 miles south of and parallel to the Runway 09R/27L localizer courses; excluding that airspace contained in Areas A, C, D, and E.

Area G—That airspace extending upward from 6,000 feet MSL to and including 12,500 feet MSL within a 25-mile radius of the Atlanta VORTAC north of the Atlanta VORTAC 090 and Atlanta 270 radials, and south of Atlanta VORTAC in an area bounded on the north by a line eight miles south of and parallel to the Runway 09R/27L localizer courses, on the east by the Atlanta VORTAC 138 radial, on the south by a line 12 miles south of and parallel to the Runway 09R/27L localizer courses, and on the west by the Atlanta VORTAC 218 radial; excluding that airspace clockwise between the Atlanta VORTAC 323 and 031 radials north of a line 12 miles north of and parallel to the Runway 08/26 localizer courses, and that airspace contained in Areas A, B, C, and D.

Area H—That airspace extending upward from 8,000 feet MSL to and including 12,500 feet MSL within a 29-mile radius of the Atlanta VORTAC, and within a 35-mile radius of the Atlanta VORTAC clockwise between the Atlanta VORTAC 118 radial and Atlanta 138 radial and clockwise between the Atlanta VORTAC 218 radial and Atlanta 238 radial; excluding that airspace contained within Areas A, B, C, D, E, F and G.

Area I—That airspace extending upward from 10,000 feet MSL to and including 12,500 feet MSL within a 35-mile radius of the Atlanta VORTAC, and within a 42-mile radius clockwise between the Atlanta VORTAC 118 radial and Atlanta 138 radial and clockwise between the Atlanta VORTAC 218 radial and Atlanta 238 radial; excluding that airspace contained within Areas A, B, C, D, E, F, G and H.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The 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). A copy of the evaluation prepared for this action is contained in the Regional Regulatory Docket.

Issued in East Point, Georgia, on August 28, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-27405 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 271

[Docket No. RM 79-19; Order No. 45]

Treatment of Certain Production-Related Costs for Natural Gas to be Sold and Transported Through the Alaska Natural Gas Transportation System; Statement of Policy

August 24, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Regulations and Statement of Policy.

SUMMARY: The Federal Energy Regulatory Commission (the Commission hereby gives notice of an amendment to Part 271, Subchapter H of its interim regulations promulgated under the Natural Gas Policy Act of 1978 (NGPA). The amendment permits those involved in the first sale of natural gas produced from Prudhoe Bay, Alaska for

transportation through the Alaska Natural Gas Transportation System (ANGTS) to apply for an allowance under section 110 of the NGPA for costs incurred in removing carbon dioxide from levels of three percent by volume to levels below three percent by volume and to apply for adjustments pursuant to section 501(c) of the NGPA in the event of special hardship, inequity, or an unfair distribution of burdens. The Commission also gives notice of promulgation of a statement of policy under the Natural Gas Act that there will be a rebuttable presumption that costs incurred by shippers or transporters to condition natural gas produced at Prudhoe Bay, Alaska for transport through the ANGTS are imprudently incurred. This policy would not apply to costs permitted first sellers under Part 271, subpart K of Commission regulations or those incurred to reduce carbon dioxide content from three percent to below three percent by volume. In issuing this rule and policy, the Commission provides that the rule and policy will not be effective for 60 days and for petitions for rehearing to be filed within 30 days of the issuance of the rule and policy. The Commission also provides for the oral presentations of views on the rule issued.

DATES: Effective date October 23, 1979; petitions for rehearing, September 24, 1979: oral presentations, to be announced.

ADDRESSES: All petitions should reference Docket No. RM79–19 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: John Adger, Director, Alaska Natural Gas Project Office, Federal Energy Regulatory Commission, 941 North Capitol Street, NE., Washington, D.C. 20426 (202) 275–3827.

The Federal Energy Regulatory Commission (Commission) by this rule establishes responsibility for bearing costs of conditioning natural gas produced from the Prudhoe Bay Unit in Alaska for transport through the Alaska Natural Gas Transportation System (ANGTS). The responsibility is apportioned between producers of Prudhoe Bay natural gas and the shippers, transporters and ultimate consumers of that gas. To this end the Commission amends its interim regulations implementing section 110 of the Natural Gas Policy Act of 1978 (NGPA) to permit first sellers of natural gas produced for the ANGTS to make application for recovery of costs incurred in removing carbon dioxide from levels of three percent by volume to levels below three percent by volume. The Commission, coincident with this rule, issues a policy statement addressing the recovery of certain production-related costs incurred by transporters and shippers of natural gas produced at Prudhoe Bay; recovery of such costs will be comparably limited to carbon dioxide removal below three percent by volume.

A. Background

1. *ANGTS and the President's Decision.* In 1968 the largest single discovery of oil and gas ever made on the continent of North America was made at Prudhoe Bay on the North Slope of Alaska. The oil is currently flowing, but the associated gas cannot be marketed until a transporting gas pipeline is built. Virtually every estimate exceeds 26 trillion cubic feet of proven recoverable gas reserves at Prudhoe Bay. This large deposit of natural gas could supply more than two billion cubic feet of natural gas per day (approximately five percent of the nation's current requirements) over a 25-year period.

In recognition of the importance of this domestic energy source, the Congress passed the Alaska Natural Gas Transportation Act of 1976 (ANGTA), 15 U.S.C. 719 *et seq.* By this Act, the Congress established a procedural framework to expedite a final decision on and implementation of an ANGTS. That framework included a procedure to select a system. It also included specific provisions for the prompt handling of all federal authorizations necessary or related to the construction and initial operation of that system, and limited judicial review of agency action to approve authorizations for that system.[1]

In September of 1977, the President sent to the Congress his finding that the Alcan Pipeline Company, because its proposal was economically and environmentally superior to competing proposals, should be granted the certificate to construct the ANGTS.[2] The Congress, by joint resolution, approved and adopted the President's *Decision* in November of that year. H.J. Res. 621, Pub. L. No. 95–158, 91 Stat. 1268 (1977).

The ANGTS, the system approved in the *Decision*, will be 4,800 miles in length, originating on the North Slope of Alaska and passing through Canada to the lower-48 states. At the time of the President's *Decision* the capital costs of this transportation system were estimated at $10.5 to $13.9 billion,[3] which would make the project the largest privately financed project in history.

The *Decision* specifically identified the facilities which would comprise the ANGTS. These facilities constitute the "approved transportation system" within the provisions of section 7(a)(4) of ANGTA, 15 U.S.C. 719e(a)(4). Under the *Decision* the approved transportation system does not include the facilities which will prepare the Prudhoe Bay gas for entry into the pipeline. In Section 2 ("Description of the Nature and Route of the Approved System"), the *Decision* states: "The proposed Alcan pipeline will commence on the discharge side of the gas conditioning plant facilities in the Prudhoe Bay Field."[4] The *Decision* also states that "[t]he facilities which are to be covered are those in the U.S. which * * * are included in the revised Alcan filing submitted to the Federal Power Commission (FPC) in March 8, 1977."[5] That filing assumes facilities which would accept gas conditioned to a certain quality, and compressed and chilled prior to entry.[6]

The *Decision* did not resolve one particular issue which is important to the implementation of the selected system, the establishment of a field price for the gas.

The importance of this gap was described in the *Decision*.

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[1] 15 U.S.C. 719, c, d, e, f, g, and h. The judicial review is limited to questions of agency violation of constitutional or statutory law. *See Midwestern Gas Transmission* v. *FERC*, 589 F. 2d 603, 625–626 (D.C. Cir. 1978).

[2] Executive Office of the President, Energy Policy and Planning, *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (September, 1977) [hereinafter cited as *Decision*]. The present sponsors for the Alaskan segment are the successors to the Alcan Pipeline Company; *see*, "Order Transferring Conditional Certificate of Public Convenience and Necessity from Alcan Pipeline Company to Alaskan Northwest Natural Gas Transportation Company, Reviewing Relevant Portions of Underlying Partnership Agreement and Granting Intervention" (Docket No. CP78–123, *et al.*) (June 30, 1978).

[3] *Decision* at 157.

[4] *Id.* at 6. Additionally, the system description in Section 3 of the *Decision* states that the first compressor station and attendant chilling facility for the ANGTS will be located 75 miles after the point of commencement of the system. *Id.* at 17.

[5] *Id.* at 13.

[6] Alcan Pipeline Project 48" Alternative Proposal, Docket No. RM77–6. The revised Alcan filing describes a system which would transport natural gas processed to the following standards: (1) 1% carbon dioxide by volume; (2) 0.6% nitrogen by volume; (3) 1138 Btu/cu. ft. gross heating value; and (4) a hydrocarbon dew point of −10 degrees F at 1000 psi. (Alcan Pipeline Project 48" Alternative Proposal at § 3, p. 3; Docket No. RM77–6). This revised filing referenced an initial filing in which the following additional specifications were enumerated: (1) a maximum water content of 0.2 pounds per million cubic feet; (2) a sulphide content of no more than 0.25 grains per 100 cubic feet; and (3) a total sulphur content of no more than 10 grains per 100 cubic feet. Alcan Pipeline Co., FPC Gas Tariff, Original Vol. 1, Exhibit No. AP–16, at Original Sheet No. 112 (Docket No. CP75–96, *et al.*).

Final financing for an Alaskan natural gas transportation project cannot be arranged until the producer-owners of the Prudhoe Bay gas execute sales contracts. Without such contracts, no gas can be transported, and financing consequently would be unobtainable. Producers cannot be expected to negotiate sales contracts until a price has been established with a reasonable degree of certainty. If this project is to proceed expeditiously, the field price of the gas should be established as soon as possible. (*Decision* at 44.)

The Commission, in its comments on the *Decision*, acknowledged its jurisdictional responsibility to determine the appropriate field price.[7]

In addition to tariff and financing issues, a wellhead rate for producer sales must be set either by the Congress through amendment to the Natural Gas Act or, failing that, by FERC. The costs of separating and processing the casing head gas must be identified and allocated. (FERC Comments at 4.)

The Commission went on to discuss the various types of costs involved in producing the gas and preparing it for pipeline entry (FERC Comments at 19–34), but observed that the *Decision* called for enactment of a gas pricing approach for the ANGTS similar to that contained in the Administration's National Energy Plan, then under consideration by the Congress.[8]

The Report which accompanied the *Decision* contained a discussion of the economic viability of the ANGTS.[9] Because of the possibility that the Commission might provide some allowance for costs of gathering, conditioning, and compression, that discussion used a range of 0 to 30 cents per MMBtu (1975 dollars) for a potential add-on for such costs in estimating the "city gate" or wholesale price of the gas.[10] However, the *Decision* left the determination of the amount of any such allowance to the discretion of the Commission.[11]

[7] Federal Energy Regulatory Commission, *Comments on the Decision and Report to Congress on the Alaska Natural Gas Transportation System* (October, 1977) [hereinafter cited as FERC Comments].

[8] *See Decision* at 46.

[9] The Report, following page 84 of the *Decision*, accompanied the *Decision*, and may be regarded as authoritative legislative history. *Midwestern Gas Transmission* v. *FERC* 589 F. 2d 603, 611 n. 23 (D.C. Cir. 1978).

[10] The actual costs of gathering and conditioning were estimated to be about 30 cents per MMBtu (1975 dollars). The range presented was intended to cover the spectrum of possibilities between a Commission determination that no add-on be provided and a determination that all these costs should be passed on to gas consumers.

[11] *See, e.g., Decision* at 95: "When the costs of service price of the Alcan project is added to a well head price of $1.45 to $1.75 per MMBtu (*depending on the amount the FPC will allow producers for their processing costs*), the wholesale or "city gate" price of the gas should be about $2.50 to $2.80 per MMBtu in constant 1975 dollars." (emphasis added). *See also Natural Gas Pipeline from Alaska: Joint Hearing Before the Subcomm. on Energy and Power, Comm. on Interstate and Foreign Commerce, and the Subcomm. on Indian Affairs and Public Lands of the Comm. on Interior and Insular Affairs*, House of Representatives, 95th Cong., 1st Sess., Ser. No. 95–79, at 219, 224–226, 280–81 (1977) (statements of DOE Secretary Schlesinger in discussing the *Decision* before the House).

2. *Natural Gas Policy Act.* On November 9, 1978, the Natural Gas Policy Act of 1978 (NGPA), Pub. L. No. 95–621, 92 Stat. 3353 (1978), was signed into law. The NGPA established a specific statutory ceiling price for Prudhoe Bay gas which applies in lieu of the just and reasonable rate which would have been established under the Natural Gas Act.[12] That price is fixed by section 109(a)(4) of the NGPA, which specifically references natural gas produced at the Prudhoe Bay Unit of Alaska for transport through the ANGTS.[13] In addition, section 110(a)(2) of the NGPA permits, to the extent allowed for by rule or order of the Commission, that the section 109 ceiling price shall not be considered to be exceeded to the extent necessary to recover costs of compressing, gathering, processing, treating, liquefying or transporting such natural gas or other similar costs borne by the seller. Thus, determining the maximum lawful price for the Prudhoe Bay gas requires the Commission to determine what, if any, allowances should be permitted under section 110.

It is clear that the Congress, in drafting the NGPA, was aware of the special circumstances surrounding ANGTS. The peculiar and extraordinary problems which attend the production of natural gas at Prudhoe Bay, and its processing and conditioning to the stringent requirements of the ANGTS, were described on the floor of the Congress.[14] The legislative history of the NGPA contains frequent references to the special problems of the ANGTS,[15] and special sections of the Act were drafted with specific reference to gas sales made for transport through that system. For example, section 109(a)(4) specifies a particular ceiling price for gas produced from the Prudhoe Bay Unit of Alaska and transported through the ANGTS; section 208 requires that the ceiling price specified in section 109 and costs incurred by any interstate pipeline in transporting the gas should be subject to rolled-in pricing; and section 203(a)(8) provides that other costs (*i.e.*, those allowed under section 110) should be incrementally priced. Yet, despite this obvious attention to the ANGTS, the Congress, in setting a price for the first sale of this gas, made no provision for superseding the policies of either ANGTS or the President's *Decision*. These latter two provisions of law, and the policies they stand for, remain in full force and effect under the NGPA; the NGPA must be implemented in such a manner as to be consistent with them.

3. *Commission action.* As described above, Congress has consistently treated the ANGTS, and the gas produced from Alaska for transport through it, in an exceptional manner. Thus, the ANGTS, as well as the Prudhoe Bay gas to be transported in it, are each *sui generis*. ANGTS construction and initial operation are governed by legislation enacted exclusively for that pipeline system. Moreover, the NGPA recognizes the special nature of the ANGTS, choosing in two instances to apply special rules to Prudhoe Bay production and its pricing; the section 109 price applies irrespective of vintage or other production characteristics as would be applicable to other production and special incremental pricing provisions apply for this gas. The ANGTS is the only pipeline so particularly singled out, by name and producing area, for pricing consideration under the NGPA. The exercise of our section 110 discretion with respect to the gas supply for the ANGTS occurs in that unique context, and is limited to this particular situation.

[12] Under the NGPA, all "first sales" of natural gas, including those made for shipment through the ANGTS, are controlled by the statutory ceiling prices specified in title I (sections 102 through 110) of the NGPA. Section 2(21) of the NGPA defines a "first sale" as:

> * * * any sale of any volume of natural gas—
>
> (i) To any interstate pipeline or intrastate pipeline;
>
> (ii) To any local distribution company;
>
> (iii) To any person for use by such persons;
>
> (iv) Which precedes any sale described in clauses (i), (ii), or (iii); and
>
> (v) Which precedes or follows any sale described in clauses (i), (ii), (iii) or (iv) and is defined by the [Federal Energy Regulatory] Commission as a first sale in order to prevent circumvention of any maximum lawful price established under this Act.

[13] In certain circumstances, the Commission may in its discretion set a first sale price under section 109 higher than the dollar amount set by Congress. Section 109(b)(2).

[14] *See, e.g.*, remarks of Senator Stevens, 124 Cong. Rec. S. 16257 (daily ed. Sept. 27, 1978).

[15] The discussion of section 208 in the Conference Report accompanying the NGPA provides a particularly good example of Congressional concern for prior legislation surrounding the ANGTS:

> The conferees agreed to provide rolled in pricing for natural gas transported through the Alaskan Natural Gas Transportation System and for the cost of transportation because they believed that private financing of the pipeline would not be available otherwise. Rolled in pricing is the only Federal Subsidy, of any type, direct or indirect, to be provided for the pipeline.

H.R. Rep. No. 95–1752, 95th Cong., 2d Sess. 103 1978). This is in direct reference to the condition in the President's *Decision* requiring that the ANGTS be privately financed. *Decision* at 36.

Because of the special legal status of the ANGTS, the Commission issued a specific proposal to resolve the issues surrounding the conditioning of the gas.[16] That proposal addressed two questions: (1) Who should be responsible for constructing and operating the required conditioning facilities for Prudhoe Bay gas transported through the ANGTS; and (2) what allowances, if any, should be permitted under section 110 of the NGPA for the conditioning of the gas.

The Commission's Notice expressed the view that the public interest would best be served if the producers were responsible for the conditioning facility. Accordingly, the Commission proposed a policy to apply to its consideration of applications for certificates of public convenience and necessity under the Natural Gas Act, which policy would be to approve only those applications which did not require the applicant to bear the conditioning costs, except those costs specifically approved by the Commission. With respect to possible allowances for such costs, the Commission expressed the view that the costs of delivering "pipeline quality gas" to the ANGTS should be covered by the first sale price ceilings provided by the NGPA. The quality standards which determine "pipeline quality gas" were those contained in the March 8, 1977 filing which was approved by the President and the Congress as part of the *Decision*. Thus, the Commission saw no reason to provide any allowances under section 110 of the NGPA over and above the price established by section 109 of the NGPA.

B. Producer Responsibility for Conditioning

In this proceeding the Commission has considered whether to exercise its section 110 discretion to permit an allowance for production-related costs over and above the maximum lawful price stipulated under section 109 of the NGPA for first sales of natural gas produced at Prudhoe Bay, Alaska for transport through the ANGTS. Stated another way, the Commission must decide which costs of providing pipeline quality gas to the ANGTS should be borne by the seller and which costs should be passed through to the consumer.[17]

The natural gas produced at Prudhoe Bay, Alaska, must be conditioned to supply the gas throughput for a specific pipeline, the ANGTS.[18] This situation is complicated by the fact that the gas is associated with oil and that the gas produced prior to the commencement of gas sales is, or will be, field conditioned and reinjected to enhance the oil recovery. The situation is further complicated by the stringent operating conditions which exist in the producing area and which materially impact the transport of the gas from that area.[19] The Commission has considered each of these factors and has determined that, on balance, the production-related costs for the processing and conditioning should fall upon the producers or other "first sellers" who perform the functions necessary to render the gas transportable through the ANGTS.

The consideration which compels the conclusion that the producers [20] should be responsible for the costs of conditioning gas which will be transported through the ANGTS is the distribution of benefits and burdens which must be associated with the construction and operation of the ANGTS. This includes the benefits and burdens of conditioning the gas and the financial responsibility for the necessary conditioning facilities.

Producers will enjoy significant benefits on the sale of Prudhoe Bay natural gas, and construction of the ANGTS will enable them to market that gas. (*Decision* at 117–118.) The President's *Decision* contemplates that the burdens of undertaking a project to bring needed natural gas from Alaska to markets in the lower-48 states would be borne by the producers, the project sponsors, the private financing community, and the gas-consuming public. (*Decision* at 36–56, 104–127.) We must read the *Decision* as apportioning these burdens to best ensure that the ANGTS will be built and, as built, provide a positive net national economic benefit. Explicit in the *Decision* is the concept that producers should share in the burdens of making the ANGTS a reality. (*See Decision* at 117–118.) For example, while the *Decision* would bar (for antitrust reasons) producer ownership in the ANGTS (*Decision* at 38), it does suggest that the producers should help guarantee the debt necessary to build the ANGTS. (*Decision* at 118.)

In addition, there is the burden which attaches to the financing of the conditioning facilities which will be necessary to prepare the gas for pipeline entry. While the *Decision* did not settle the issue as to who should bear this burden, its intent was evident. First, the transportation system described in the President's *Decision* specifically excludes conditioning facilities. Second, the *Decision's* discussion of financing the ANGTS did not consider the impact of the rather sizeable cost (estimated at $2 billion) such facilities would have on the financing of the system. Finally, the *Decision*, in addressing the issue of apportioning conditioning costs, leaves the matter open for decision by this Commission. (*Decision* at 95.) Placing ANGTS sponsors in the position of having to undertake even a part of such a financial burden could adversely affect their ability to finance the ANGTS itself. Likewise, the financing of conditioning facilities by shippers may have detrimental effects on the ANGTS.[21] The Commission believes that any financial resources of the gas transmission industry which are made available to this project should go directly towards support of the ANGTS rather than to conditioning facilities.

Thus, to have producers bear the costs necessary to condition the gas for pipeline entry is to place upon them a

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[16] "Notice of Proposed Rulemaking and Statement of Policy" (Docket No. RM79–19) (issued Feb. 2, 1979), *as corrected*, Errata Notice (Docket No. RM79–19) (issued Feb. 27, 1979).

[17] Under sections 203 and 208 of the NGPA, allowances granted first sellers of Prudhoe Bay gas under section 110 will be incrementally priced. Furthermore, under section 601 of the NGPA, allowances permitted under section 110 become part of the maximum lawful price and this price must be considered as "just and reasonable" for purposes of rates charged by jurisdictional pipelines.

[18] In response to the Notice of Proposed Rulemaking, the Exxon Corporation observed that the Commission used the terms "processing" and "conditioning" interchangeably and that these terms have different meanings. The Exxon comments pointed out that gas "processing" is usually done to remove liquefiable hydrocarbons which have a higher value as separate liquids than as a vapor in the gas stream, while "conditioning", on the other hand, involves operations to remove non-hydrocarbon gases or other impurities from the stream. Yet "conditioning" usually precedes "processing." For example, the gas is usually "scrubbed" and dehydrated (i.e., cleaned to remove water droplets, hydrocarbon liquids, and solid impurities) before certain liquefiable hydrocarbons are extracted. This serves a dual function: the gas is prepared for processing and for transportation.

For clarity, the Commission will use the term "conditioning" to apply to all functions necessary for preparing the natural gas to the quality specifications required by the ANGTS. The intent of the Notice was to propose a rule whereby responsibility for all functions performed to prepare the gas for transportation through the ANGTS would be fixed. These functions would include the removal of condensable hydrocarbons to acceptable levels required for efficient gas transportation under the operational and environmental constraints imposed on the ANGTS (*e.g.*, to attain the hydrocarbon dew point quality specification) as well as the removal of non-hydrocarbon gases. The functions would also include chilling, additional water removal, and additional compression, if any, to the pressure necessary for entry into the ANGTS.

[19] *See* pages 4–5 *supra*.

[20] While we speak of "producers" performing conditioning, we should be taken to mean any first seller of this gas.

[21] The exception to this generalization is the State of Alaska, in the event it decides to be a shipper of part or all of its royalty gas.

burden which we believe is commensurate with the benefits they would receive through the sale of the gas—benefits made possible by the ANGTS and its transport of the gas. Moreover, to have the producers assume responsibility for the capital investment necessary to condition the gas will relieve project sponsors and shippers of an important financial burden.

Producer responsibility for the conditioning facilities provides a useful means whereby producers can aid in the movement of Alaskan gas to lower-48 markets. The *Decision* bars producers from participating in the ANGTS equity ownership. (*Decision* at 38.) Since the processing facilities are not part of the ANGTS,[22] producer responsibility for these facilities provides a way for producers to materially assist in project implementation, and thereby assume a portion of the burden considered by the *Decision* as properly applicable to them.

We conclude that producer responsibility for the costs of conditioning provides benefits to ANGTS implementation and protection for consumers' interests, and comports with the apportionment of burdens manifest in the President's *Decision*. Therefore, the Commission believes that the public interest and the expressions of Presidential and Congressional intent contained in the *Decision* are better served by promoting producer responsibility for conditioning costs, and the Commission intends to exercise its jurisdiction in a manner which would discourage interstate shippers and transporters and, in turn, the natural gas consumers from assuming responsibility for these costs.

C. Exercising Section 110 Discretion For Alaska Production

1. *Section 110 Discretion.* Section 110(a)(2) permits broad discretion as to the method ("by rule or order") which the Commission is to employ in allowing increases to ceiling prices for production-related costs. Moreover, the words of that section ("any costs * * * borne by the seller and allowed for * * * by the Commission") do not contain limiting language such as that found elsewhere in the NGPA when the Congress intended to circumscribe the Commission's authority.[23] On its face,[24] section 110(a)(2) indicates a Congressional concern for flexibility to weigh necessary factors and determine appropriate allowances. The Commission interprets its authority under section 110 as permitting it discretion to allow all, some, or no production-related costs. This discretion, of course, must be exercised in a reasonable manner.

The legislative history of section 110(a)(2) highlights its discretionary nature. The Conference Report which accompanied the NGPA provides that the Commission "may" allow such costs,[25] and the statement made by the House floor manager of the Conference Report describes the section as being discretionary.[26] In addition, the floor debates which attended the adoption of the NGPA clearly show that section 110(a)(2) was viewed as being discretionary. For example, in response to the questions of Senator Stevens as to the application of section 110(a)(2) to the particular circumstances of Alaska-produced natural gas, Senator Jackson, Senate floor manager of the Act, stated:

> Section 110 of the Act gives FERC authority to increase the maximum lawful price of any natural gas including Alaskan gas, to compensate the seller for costs that they [sic] may incur in the gathering and processing of natural gas. The special circumstances described by my colleague [the difficulties attending Prudhoe Bay production] would be presented to the Commission. The Commission may allow for an adjustment in the maximum lawful price if it determines it is appropriate to do so.

124 Cong. Rec. S16257 (daily ed. Sept. 27, 1978).[27]

While the Conference Report which accompanied the NGPA cites past Commission practices allowing for production-related costs in the setting of just and reasonable rates under the Natural Gas Act, this is its only explicit reference to the Natural Gas Act in the implementation of section 110(a)(2).[28] The Commission does not interpret this reference as constricting or defining the commission's section 110 discretion in terms of the Commission's past practices under the Natural Gas Act.[29] Instead, the Commission interprets it as a reference to the setting of maximum lawful prices by reference to just and reasonable rates in existence at the time the NGPA was passed (e.g., section 104 prices). By this paragraph, the Conferees recognized the fact that just and reasonable rates were set inclusive of some production-related costs and that the Commission, in considering ceiling prices referenced by such just and reasonable rates need not, because of section 110, attempt the administratively burdensome task of stripping the old allowances from established rates merely to consider them again under section 110.

The clearest expression of limits to section 110 discretion is found in the statement of Congressman Dingell (on presenting the NGPA to the House):

> With respect to section 110, it has been correctly observed that the authority to permit adjustments is discretionary. However, by authorizing discretionary adjustments the conferees did not intend to authorize a refusal to grant appropriate allowance where such refusal would be an abuse of discretion. Thus, if the function performed is not usually performed by the

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[22] *See* discussion at pages 4–5 *supra*.

[23] For example, section 110(a)(1), which provides for state severance taxes borne by sellers, is clearly non-discretionary.

[24] Section 110(a) states, with reservations not relevant here, that:

> * * * a price for the first sale of natural gas shall not be considered to exceed the maximum lawful price applicable to the first sale of such natural gas * * * if such first sale price exceeds the maximum lawful price to the extent necessary to recover * * * any costs of compressing, gathering, processing, treating, liquefying, or transporting such natural gas, or other similar costs, borne by the seller and allowed for, by rule or order, by the Commission.

[25] "All ceiling prices under this Act are exclusive of state severance taxes borne by the seller and *any adjustment which may be allowed* by the Commission for specified production-related costs." H.R. Rep. No. 95–1752, 95th Cong., 2d Sess. 90 (1978) (emphasis added).

[26] "With respect to section 110, it has been correctly observed that the authority to permit adjustments is discretionary. However, by authorizing discretionary adjustments the Conferees did not intend to authorize a refusal to grant appropriate allowances where such refusal would be an abuse of discretion." 124 Cong. Rec. H13118 (daily ed. Oct. 11, 1978) (remarks of the Hon. John Dingell).

[27] *See also* the colloguy between Senators Gravel and Jackson wherein Senator Gravel speaks of the "permissive nature of the Commission's power to provide, by rule or order, an allowance in excess of the maximum lawful price * * *." 124 Cong. Rec. S16257 (daily ed. Sept. 27, 1978).

[28] "The conferees recognize that, in certain cases, the just and reasonable rates under the Natural Gas Act include an allowance for production related costs. The conference agreement [respecting section 110(a)(2)] is not intended to alter or change that practice." *Conference Report* at 91.

[29] In its initial comments to this rulemaking, Exxon argued that the Congressional intent of section 110 was to "permit the Commission to do that which it had the authority to do under the Natural Gas Act, i.e., to permit producers to recover such costs as they might incur beyond the wellhead for transportation functions." Exxon goes on to argue that (1) the services enumerated under section 110 are transportation-related and have been considered as such by the Commission under national rate orders; (2) that the practices of these orders (to leave the apportioning of such costs to contracting parties) was considered by Congress; and (3) therefore, Congress must have meant that our discretion under section 110 was limited to our prior considerations under the Natural Gas Act. Comments of Exxon Corporation at 9–12 (Docket No. RM79–19) (filed March 19, 1979). Reply comments of the Commission Staff addressed the weakness of Exxon's premise that action under such opinions as Opinion No. 749 or 770–A did not consider processing and conditioning costs. The response showed the history that the opinions did consider such costs. Reply comments of the Federal Energy Regulatory Commission Staff at 2–3 (Docket No. RM79–19) (filed April 19, 1979). More importantly, however, there are the clear words of the statute; the various functions listed under section 110 are listed as "production-related" and they are set in the context of costs borne by first sellers.

producer without provision being made for compensation over and above the amounts paid for the gas, prevailing industry practice may guide FERC to approve ceiling price adjustments which the Commission determines appropriate and consistent with the purposes of the legislation. For example, if the producer undertakes to compress the gas to pipeline pressure, and if an allowance is customarily made by the pipeline for such compression, the conferees anticipated that FERC would consider approval of an appropriate allowance under section 110. However administrative flexibility was deemed important. Therefore, it was also intended that FERC could selectively focus on the areas which appear appropriate for approval of adjustments under section 110 in such a manner that the implementation of the section would not become administratively burdensome.

124 Cong. Rec. H13118 (daily ed. Oct. 11, 1978).

Congressman Dingell's example of a pipeline customarily making payment to a producer for a particular production-related service merely anticipates that the Commission may consider such an allowance. While "prevailing industry practice" and contracting custom are to be carefully considered by the Commission, neither are viewed as requiring an allowance. For reasons of administrative flexibility, the Commission has discretion broad enough to "selectively focus on the areas which appear appropriate for approval of adjustments under section 110." [30]

We believe that the flexibility to administer section 110 includes the ability to consider exceptional circumstances such as the Prudhoe Bay Unit. That section 110, on its face, makes no distinction for particular categories of natural gas sales or producing areas does not mean that the Commission cannot and should not treat individual producing areas differently. When good reason exists to provide for the treatment of production-related costs for particular producing areas, the Commission should exercise its discretion in a manner consistent with that reason. The exceptional nature of the Prudhoe Bay producing area provides such a reason.

2. *Exercising discretion for Alaska production.* Subpart K, Part 271 of the Commission's Interim Regulations under the NGPA implementation section 110. Those regulations prescribe rules by which a first seller of natural gas may collect more than the applicable maximum lawful price to recover State severance taxes and certain production-related costs borne by the seller. Section 271.1100(b) of that subpart provides that regulations permitting the recovery of any allowances, other than State severance taxes, will not apply to first sales of natural gas produced from the Prudhoe Bay Unit of Alaska and transported through the ANGTS. This exclusion rested upon the Commission's belief that, because of the special circumstances surrounding the production of this gas, it was necessary to promulgate a separate rule to take into consideration the provisions of the ANGTA and the President's *Decision* as well as the NGPA.

In February of this year, the Commission issued a notice proposing a rule barring any section 110 allowances for this gas production.[31] That proposal rested upon the Commission's view of section 110 discretion, and the concern that it be properly exercised in light of the constraints imposed by the President's *Decision.* As noticed, the Commission proposed: (1) That producers be responsible for conditioning the gas transported through the ANGTS; (2) that they receive no allowance under section 110 for the costs to condition the gas; and (3) to ensure that these costs would not be shifted to consumers, a policy statement under the Natural Gas Act which would bar transporters or shippers from passing through costs the Commission viewed as properly resting upon producers. The rationale for the notice rested in part upon the presumed consequences of having consumers bear production-related costs and the resulting impact this would have on marketing the gas and financing the pipeline. It also rested, in part, upon what we perceived as the rationale of the *Decision,* that producers bear the responsibility for financing the conditioning facilities necessary to make the gas transportable.

Several comments argued that the proposed rule would be inconsistent with both the letter and the intent of the NGPA.[32] These comments can be summarized as follows: first, that section 110 provides a right of compensation for production-related costs for any of that section's enumerated functions performed by a first seller; and second, that to the extent the Commission failed to provide an allowance above the section 109 price for a seller who undertook the production-related functions, the failure worked an unlawful reduction in the section 109 price.

Legislative history was cited for the proposition that the section 109 price must apply to a wellhead sale and that producers must therefore be left free to negotiate the apportionment of production-related costs. That citation was to a colloquy between Senators Gravel and Jackson:

Senator Gravel: Senator, I infer that the permissive nature of the Commission's power [under section 110] to provide, by rule or order, an allowance in excess of the maximum lawful price for any costs of gas borne by the seller does not preclude a purchaser from acquiring natural gas at the wellhead, paying the maximum lawful price at that point.

Senator Jackson: The Senator is correct.[33]

This colloquy should be read in its proper context. Clearly, Commission discretion does not, under NGPA, reach to barring a wellhead first sale at the maximum lawful price. The comments of Senator Gravel only go to underscore what is evident on the face of section 110—the discretion of that section cannot be exercised to reduce a ceiling price; it can only be used to increase that price. Second, the colloquy should be read as saying *if* raw, unconditioned gas was sold then it *may* be sold at the section 109 price. It should not be read as mandating a greater price to compensate for any conditioning which must attend such a sale;[34] such a reading would be in clear derogation of the discretion specifically given the Commission under section 110. Finally, Senator Gravel does not address the issue of what other power the Commission may have, separate from that of the NGPA, which it may use to apportion production-related costs; he

[30] 124 Cong. Rec. H 13118 (daily ed. Oct. 11, 1978) (statement of Congressman Dingell).

[31] "Treatment of Certain Production-Related Costs for Natural Gas to be Sold and Transported through the Alaskan Natural Gas Transportation System", Notice of Proposed Rulemaking and Statement of Policy (Docket No. RM79-19) (issued Feb. 2, 1979), *as corrected,* Errata Notice (Docket No. RM79-19) (issued Feb. 27, 1979).

[32] These included the comments filed by Panhandle Eastern, Exxon, Mobil, Atlantic Richfield, Sohio, and the State of Alaska.

[33] 124 Cong. Rec. S16257 (daily ed. Sept. 27, 1978).

[34] That Senator Gravel did not consider such an outcome may be seen in the colloquy placed immediately after the one just cited. Again engaged in questioning Senator Jackson (this time on the interplay of sections 203 and 208 of the NGPA respecting the incremental pricing of Alaskan gas), Senator Gravel queries:

Does the distinguished Senator from Washington agree that the combined effect of section 208 and section 203 of the conference report mandate rolled-in pricing for all acquisition costs of gas produced from the Prudhoe Bay unit and transported through the Alaska Natural Gas Transportation System? Rolled-in pricing would include the wellhead price and processing, gathering, conditioning, and compression costs borne by the producers of such gas, which, in the aggregate, are less than $1.45 per MMBtu's [the section 109 price], as adjusted for inflation, plus all costs associated with the transportation of such gas to markets in the lower 48 States.

124 Cong. Rec. S16257 (daily ed. Sept. 27, 1978). Clearly, the section 109 price was viewed as including at least some production-related costs.

speaks only with reference to section 110.

Arguments that the section 109 price contains no provision for production-related costs are in error for they are premised upon the mistaken notion that the section 109 ceiling price applies only to first sales of raw, unconditioned gas made at the "wellhead". That this is not true can be seen by examining section 2(21) of the NGPA. That section defines a "first sale" in terms of *to whom* the sale is made, and not in terms of *where* in the production and transportation flow the sale occurs. Moreover, such reading of the NGPA would be inconsistent with our discretion under section 110 of that Act.

Comments also raised the point that to bar first sellers of Prudhoe Bay gas from the allowance provisions of section 110 of the NGPA worked an unlawful discrimination against such sellers. This argument is premised on the erroneous view that section 110 requires both a uniform treatment of all domestic gas and a uniform result. We are of the opinion that the Commission's authority under section 110 is, of necessity, broad enough to consider special provisions for particular regions if a good reason to do so exists. The practice of recognizing special conditions for the quality of gas produced in different areas (well established under the area-rate proceedings) is necessary for the proper exercise of the discretion of section 110. The recognition of area differences means that uniform results are not required.

Comments argued that the Commission does not have an adequate factual record to support a special rule for section 110 allowances for Alaska. It was argued that any action taken to reject, in advance, an application under section 110 is an action taken without the circumstances of Prudhoe Bay gas production being fairly presented to the Commission, and therefore, no basis exists for a prior rejection of section 110 applications. These comments maintained that any determination for allowances should be made only after the Commission receives gas purchase contracts and considers the factual circumstances relating to the conditioning of the gas for the ANGTS.

The charge that the Commission lacked a record in support of its proposal went principally to the Commission's presumption that granting allowances under section 110 would have a detrimental impact in the marketability of the gas transported through the ANGTS. In refutation of this presumption, Exxon presented a study as to the marketability of the gas presuming costs of conditioning of up to 60 cents per thousand cubic feet of gas. In addition, comments cited to earlier studies to the same effect. In light of the comments, we agree that the presumption, and its attendant rationale of granting (or not granting) section 110 allowances, lacks a sufficient record to form the basis for exercising Commission discretion under section 110. It is still too early to determine either the precise costs of preparing the gas for transport or the impact such costs would have on the city-gate price and, consequently, the marketability of the gas. In addition, based on the data now available to the Commission in this rulemaking, marketability of the gas should not be a serious concern. This Order is not premised on marketability.

The charge that the Commission lacked a factual record sufficient to take the type of actions noticed for this rulemaking also went to the circumstances surrounding the production and conditioning of the gas for pipeline entry. Apart from the factors presented to us by comments to this rulemaking, the information available to the Commission on Prudhoe Bay production includes the record before the Federal Power Commission in the *El Paso Alaska Company* (Docket No. CP75-96 *et al.*) and the Congressional consideration of the President's *Decision* and the NGPA. We believe, therefore, that we possess an adequate knowledge of the factors necessary to consider the issue of exercising section 110 discretion for sales of this gas. These factors include the fact that the gas was specially considered under the NGPA, that the gas must be conditioned to permit its transport from the producing area, and the operative policies of the President's *Decision* from which we can determine who should bear the cost of that conditioning.

3. *Considerations in exercising discretion.* Alaskan gas is useful to a purchaser only if transported to the marketplace of the lower-48 States—i.e. only if it is conditioned to render it transportable by the pipeline. Any further conditioning would increase the efficiency of the transportation; the costs which attend these functions should be allowed under section 110. In our opinion, however, no allowance should be made for the costs of conditioning the gas to render it transportable.[35]

In determining the application of section 110 for the lower-48 States we started with the presumption that industry practice determines what functions are normally performed by producers. We were persuaded that the common quality standards reflected in interstate producer sales contracts on file with the Commission served as a useful indication of the prevailing practice as to which functions were assumed by producers and to what standards.[36] However, to use Prudhoe Bay producer contracts to establish which costs are "normally" borne by Alaskan producers to tender transportable gas is inappropriate to Alaskan first sales.

The contracts which yielded the prevailing practices of the lower-48 were contracts established over time and prior to the NGPA. The contracts which have been (or will be) negotiated for the sale of Prudhoe Bay gas do not (and will not) share these characteristics.[37] To use Alaskan contracts as an indicator of prevailing industry practice for Alaska would permit the first contracting parties to establish a "practice", which in turn would dictate the scope of Commission discretion under section 110. To permit this circularity would be an abrogation of the Commission's lawful responsibility.[38]

The ANGTS is a pipeline requiring special standards to make the gas transportable; therefore, the average standards of the lower-48 as reflected in § 271.1105 of the Commission's Regulations are inapplicable. Gas produced at Prudhoe Bay for transport through the ANGTS must meet particular pipeline quality standards to be transported at all.[39] These standards

[35] *See* Section B, *Supra.*

[36] *See Preamble* to the Commission's Interim Regulations under the Natural Gas Policy Act of 1978 at 79 (Docket No. RM 79-3) (issued Dec. 1, 1978), 43 *Fed. Reg.* 56490 (Dec. 1, 1978).

[37] The Commission is aware of but two contracts for this gas; the first between Exxon Corporation and Northern Natural Gas Company, dated April 30, 1979 (May 25, 1979, letter of Mr. David B. Ward to Mr. Kenneth F. Plumb, Secretary to the Commission); the second between Exxon Corporation and Pacific Gas and Electric Company, dated March 27, 1979 (May 24, 1979, letter of Mr. Gilbert L. Harrick to Mr. Kenneth F. Plumb). In addition, the contracts for the sale of this Alaskan gas are made contingent upon the outcome of this rulemaking.

[38] The use of producer sales contracts for Alaska is particularly difficult given that these contracts will not be subject to the same regulatory review as was permitted prior to the NGPA. With respect to the "letters of intent" entered into for the sale of Prudhoe Bay gas, the same objections hold against their use as an indicator of prevailing practice.

[39] That the *Decision* considers the standards of the initial sponsor, ALCAN, see notes 4 to 6 *supra*, and accompanying text. *Pro forma* tariffs submitted under Docket No. RM78-12 reflect similar standards. *See* Alaskan Northwest Natural Gas Transportation Company, FERC Gas Tariff, Original Volume No. 1, Original Sheet Nos. 216-217 (filed March 12, 1979); Northern Border Pipeline Company, Pro Forma FERC Gas Tariff, Original Volume No. 1, Original Sheet Nos. 215-216 (filed March 12, 1979). Under Docket No. RM78-12 the Commission accepted all of the standards submitted on the *pro forma* tariffs except those dealing with carbon dioxide. Order No. 31 at 213-215 (Docket No. RM78-12) (issued June 8, 1979). In comments filed on May 4, 1979, in Docket No. RM78-12, Sohio contended that the quality standards for water content and

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indicate the functions which must be performed to condition the gas for producer processing and pipeline entry. Thus, the gas must be chilled; it must be free of excessive water, liquid hydrocarbons, sulfur and hydrogen sulfide, carbon dioxide, oxygen and impurities; and it must be compressed. Those are all functions which, on the basis of applicable benefits and burdens, we believe should be borne by the producers.

Comments in this proceeding stressed that a proper application of the Commission's discretion under section 110 requires that allowances be made for those processing and conditioning functions which are solely tied to transporting the gas, and that, at the very least, allowances should be made for certain production-related costs not ordinarily borne by producers. We reject this approach because almost all of the functions traditionally performed by producers are, to some extent, transportation-related—their performance enables the gas to enter the transporting pipeline. However, one function impresses the Commission as requiring special consideration—the removal of carbon dioxide below the point required for reliable pipeline operation. In our opinion, that entails exceptional costs that go beyond making the gas transportable. An allowance for this particular cost should therefore be made.

The pipeline quality requirements proposed for the ANGTS include carbon dioxide content of not more than one percent by volume.[40] The rationale for this low carbon dioxide content rests upon two factors: (1) Some carbon dioxide removal is required to prevent corrosive chemical reactions in the pipeline which would jeopardize operating reliability of the system, and (2) a low carbon dioxide content, by permitting the transportation of a greater volume of gas, would enhance the transportation efficiency of the system.

A three percent by volume carbon dioxide content is a common standard in industry practice. Thus, although the Commission may find that the public convenience and necessity requires that natural gas delivered for transportation through the ANGTS should be conditioned to a standard more stringent than three percent,[41] gas conditioned to that more stringent standard is not required for the entry of the gas stream into the pipeline. On the other hand, it seems clear that the gas must be conditioned to at least the three percent standard to avoid the risk of corrosion of the pipeline.[42] The Commission believes that the cost of removing carbon dioxide to the three percent standard is a function commonly undertaken by producers in order to make the gas transportable to the marketplace, and therefore does not warrant an allowance under section 110. The cost of additional carbon dioxide removal (which the Commission might require) however, is not necessary for providing a commodity capable of pipeline entry; additional removal would be based on considerations of economic efficiency. Therefore, such cost, if incurred, should be considered for an allowance under section 110.

The Commission by this rule does not decide what allowances should be granted or what costs are involved. Such decisions must rest upon the facts of particular cases presented pursuant to the application procedures set forth in § 271.1105.[43] The Commission only decides herein that allowances should be made for the carbon dioxide removal function defined above.

4. *Result.* By amending the interim regulations, the Commission has established a rule which permits producers or other first sellers of Prudhoe Bay gas an application process under section 110 to recover only those production-related costs incurred for the removal of carbon dioxide to levels below three percent by volume. To this end, the Commission has deleted the exception provisions of § 271.1100(b) of its interim regulations, and has added a new clause to § 271.1105.

In addition, the Commission, by deleting the exception of § 271.1100(b), intends to permit producers or other first sellers of Prudhoe Bay gas to avail themselves of the procedures of § 271.1106 of the interim regulations to petition for relief under section 502(c) of the NGPA. The grounds for such relief would be those stipulated by section 502(c).

Thus, a first seller who performs production-related functions may apply under section 502(c) for relief or waiver of the Commission's regulations.

D. Policy Under the Natural Gas Act

The regulations just discussed do not address the situation of a purchase of Alaskan gas, at a maximum lawful price, when the gas has not been conditioned to permit its transportation. The Commission has a responsibility under the Natural Gas Act to consider the impact on the ultimate consumer of a sale in which the buyer purchases unconditioned gas when the buyer is purchasing the gas for a sale for resale in interstate commerce.[44] The

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sulfur (hydrogen sulfide, mercaptan sulfur and total sulfur) are too stringent, and are not justified by considerations of avoiding jeopardy to the pipeline. Order No. 31 noted that "[t]he exact quality standards required for gas to be transported through ANGTS will, of course, depend upon the final design of the system," and that "the water and sulfur standards proposed by the transporters will be permitted to be included in the tariffs subject to any revisions that may be required to comport with the final pipeline system design." (Order No. 31, pp. 214–215.) The final pipeline system design will be determined in hearings in Docket No. CP78–123 *et al.* Sohio, and any other interested party, can and should raise in those hearings any questions they may have as to excessive stringency of the water and sulfur standards in the tariffs in light of the final pipeline system design, and all parties should have an opportunity in those hearings to present factual evidence pertinent to those standards. It is our intention that the water and sulfur standards ultimately confirmed in the tariffs should be sufficiently stringent to protect the pipeline, but that the producers (or other first sellers) should not have to bear the cost of removing water or sulfur beyond the level necessary to ensure safe operation of the pipeline.

[40] The 1 percent carbon dioxide figure was first proposed in the initial Alcan filing. Most recently it was proposed in *pro forma* tariffs submitted to this Commission in proceedings under Docket No. RM78–12.

[41] The precise carbon dioxide standard for the ANGTS was one of the issues left unresolved by the Commission in Order 31. That issue will not be resolved herein, but will be the subject of a Commission order in Docket No. RM78–12. *See* Section E, 1 *supra*.

[42] Of the four alternative proposals for an ANGTS considered by the FPC (two of those proposals were from the current project sponsor's predecessor), the most lenient carbon dioxide content standard was 3% by volume, in the Arctic Gas proposal. Thus, the Commission concludes that adequate system reliability for the design conditions expected for ANGTS operations would likely require carbon dioxide removal to a maximum of 3%.

Under the provisions of Section 9 of the Agreement on principles between the U.S. and Canada (pages 47–83 of the *Decision*), this matter has been discussed with representatives of Canada's National Energy Board.

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[43] For example, an important factor in determining whether an allowance should be granted for costs incurred in lowering a carbon dioxide content from 3% to 2%, and the amount of such an allowance, should be who would receive the benefits associated with the more extensive removal of natural gas liquids that such reduction would bring about.

[44] 15 U.S.C. 717(b). The Commission would not be concerned if a purchaser who bought the gas for its own use rather than for a sale for resale agreed to bear the costs of conditioning the gas. Nor would the Commission be concerned if the State of Alaska sold its royalty share of the gas to consumers within Alaska and paid for the costs of conditioning the gas. Neither situation involves the Commission's jurisdiction under the Natural Gas Act over sales of gas for resale in interstate commerce.

Commission has the authority under the Natural Gas Act to approve or disapprove the rates charged by pipelines engaged in interstate commerce that might assume the costs of conditioning the gas in addition to the costs of purchasing and transporting the gas. This authority is exercised when pipeline companies file tariffs with the Commission. If the Commission were to approve tariff provisions that included conditioning costs, then interstate pipelines could agree to purchase gas which had not been conditioned, condition it themselves (or pay a third party to do it) and then recover the costs of conditioning the gas (in addition to the cost of purchasing the gas) in the price they charge on resale. In this manner the very considerations upon which it was determined that producers should bear the burdens of conditioning gas for ANGTS transport, and upon which allowances were denied under section 110, would be jeopardized.

For the reasons set forth at length in the preceding sections of this Order, the Commission has determined that its discretion under section 110 of the NGPA ought not to be exercised in such a manner as to grant allowances for conditioning costs (except for carbon dioxide removal below 3 percent). That determination was based on our analysis of the comparative benefits and burdens borne by producers, transporters, shippers, and consumers of the Prudhoe Bay gas. As discussed above, in light of the benefits received by the producers through the availability of the ANGTS, enabling the producers to market the gas, as well as the sizeable burdens already imposed on transporters and consumers as a consequence of the enormous cost of the ANGTS, we have determined that neither the transporters nor the consumers should have to bear the additional burden of paying for the conditioning costs. By this Order, the transporters and shippers have now been put on notice of those Commission determinations. Accordingly, those determinations give rise to a rebuttable presumption that it would be imprudent for any transporter or shipper to incur such conditioning costs. Transporters and shippers are now on notice that the Commission's policy is to exercise its responsibilities under the Natural Gas Act in such a manner as to prevent the pass through to consumers of such presumptively imprudent costs.[45]

Therefore, in any action involving the acceptance and approval of tariffs filed with the Commission, or consideration of applications to construct or acquire facilities (whether they are submitted in conjunction with applications for certificates of public convenience and necessity for the construction and operation of the ANGTS, or whether they are for the sale or transport of gas through that system), it will be the policy of the Commission, to presume that costs incurred by transporters or shippers to condition natural gas for transportation through the ANGTS are costs not prudently incurred. Absent rebuttal of that presumption, the Commission would not accept or approve tariff filings which permit the transporter or the shipper-purchaser to include the costs of conditioning gas in the rates or charges as an addition to the cost of purchasing the gas at the maximum lawful price. Additionally, absent rebuttal of the presumption, the Commission will deny any applications by any jurisdictional companies for authority to construct, acquire or operate facilities to perform such conditioning unless such facilities are financed by the producers, or by someone other than transporters or shippers of the gas.

The policy does not apply to such costs as are allowed pursuant to Commission action taken under Part 271, Subpart K of its regulations.[46] Also, the policy would not apply to costs incurred in reducing the carbon dioxide content of the gas from 3 percent of its volume to below 3 percent of its volume, should the transporter or shipper purchase gas whose carbon dioxide content has not been reduced from 3 percent to below 3 percent.

When such tariffs are filed, the Commission will consider whether the provisions thereof are consistent with this policy statement. It will also be the practice of the Commission to consider whether any proposed revisions in tariffs involving the transportation of gas through the ANGTS, filed under section 4 of the Natural Gas Act, contain provisions which are not consistent with the policy set forth herein.

The Commission received a number of comments on the policy statement proposed in its initial notice of this rulemaking. As proposed, the policy was directed toward granting certificates of public convenience and necessity. After considering the comments, the Commission has revised the proposed policy so that it applies to the approval of tariffs filed with the Commission as well as to applications for certification.

Several of the comments to this rulemaking contended that the policy statement, as proposed, is a contravention of the NGPA, a violation of clear Congressional intent respecting the NGPA, and a violation of the Natural Gas Act. Both Sohio and ARCO argued that the proposed policy would unlawfully reduce the statutory ceiling price established under the NGPA for a sale of Prudhoe Bay Gas by forcing the producers to bear all of the gathering and conditioning costs.[47] They contended that the NGPA allows producers the right to sell their gas at the wellhead for the maximum lawful price and leaves them free to negotiate the allocation of conditioning costs between the seller and the purchaser. In support of this argument they cited statements taken from the floor debate on the NGPA between Senators Gravel and Jackson wherein Senator Gravel stated:

> * * * that the permissive nature of the Commission's power to provide, by rule or order, an allowance in excess of the maximum lawful price for any costs of gas conditioning borne by the seller does not preclude a purchaser from acquiring natural gas at the wellhead, paying the maximum lawful price at that point.[48]

The Commission's policy does not unlawfully reduce the maximum lawful price or prevent the apportioning of conditioning costs by producers and purchasers through contract negotiation. The policy does not preclude a purchaser from acquiring natural gas at the wellhead at any lawful price, including the maximum lawful price. What the policy proscribes is the pass-through of costs imprudently borne by the purchaser which attends the purchase of raw, untreated gas.

In its comments, Exxon claims that adopting the policy violates section 601(c) of the NGPA.[49] Exxon argues that

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[45] This conclusion is based on the premise that the producers will contract with purchasers for the sale of Prudhoe Bay gas at no less than the maximum lawful price set by section 109 of the NGPA. If the parties agreed to a sales price lower than the section 109 [NGPA] ceiling with the pipeline paying for some conditioning costs, the Commission would not necessarily oppose such an outcome provided the total price paid for pipeline quality gas did not exceed the applicable section 109 (NGPA) price.

[46] A pipeline may include the costs of conditioning gas in its rates under Part 271 of the regulations in the following circumstances. Where the Commission approves an application made by the seller under § 271.1105 of the regulations, the pipeline may pass through the costs to the extent they are allowed to the seller by the Commission. Second, where the Commission denies an application for an allowance filed pursuant to § 271.1105, and where the Commission grants an application filed by the seller under § 271.1106, then the costs borne by the pipeline may be passed through.

[47] ARCO Comments at 3; Sohio Comments at 12.

[48] 124 Cong. Rec. S16257 (Sept. 27, 1978).

[49] Comments of Exxon Corp., at 33 (filed March 19, 1979). Section 601(c) prohibits the Commission from denying or conditioning the grant of a certificate based upon the amount paid for the gas, if such amount is deemed just and reasonable under section 601(b) of the NGPA. Section 601(b)(1)(A)(i)

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producers are authorized to sell gas at the maximum lawful price under section 109 of the NGPA and that, accordingly, the purchasers are entitled to flow through the ceiling price under Section 601(c)(2). The Commission's policy does not violate section 601 of the NGPA. Section 601 applies only to first sales prices. Amounts not paid in a first sale are not covered under Section 601. The maximum lawful price for sales of gas produced in the Prudhoe Bay Unit, Alaska for transportation through the ANGTS is established by section 109 of the NGPA. Unless and until the Commission permits an addition to this price under section 110 of the NGPA, the ceiling price of section 109 is the maximum lawful price. The Commission's policy prevents only the flow-through of costs which are 110-type but not approved under section 110, and does not prevent the flowthrough of the price established by section 109. Thus, the Commission's policy conforms with section 601.

Panhandle Eastern Pipeline Company contended in its comments that the policy statement summarily forecloses the opportunity to present, under the Natural Gas Act, and to be heard thereon, any proposal at variance with the policy.[50] This misconceives the effect of a statement of policy. In *Pacific Gas and Electric Company* v. *Federal Power Commission*, 506 F.2d 33 (D. C. Cir. 1974), the Court of Appeals described the effect of a general statement of policy:

> A general statement of policy is not finally determinative of the issues or rights to which it is addressed. The agency cannot apply or rely upon a general statement of policy as law because a general statement of policy only announces what the agency seeks to establish as policy. A policy statement announces the agency's tentative intentions for the future. When the agency applies the policy in a particular situation it must be prepared to support the policy just as if the policy statement had never been issued. (506 F.2d at 38.)

The Commission's policy statement does not complete the regulatory process with regard to the proper assignment of production-related costs. When gas purchase contracts are executed, and tariffs and applications for certificates are filed with the Commission, such tariffs and applications will be subject to the review and approval requirements of the Natural Gas Act.

E. Other Issues

The comments have raised several other important issues. These include the relationship of this proceeding to ANGTA, arguments raised by the Department of Justice that producer ownership of the processing or conditioning facilities involves antitrust problems, consideration of the appropriate carbon dioxide standard for the ANGTS, and arguments raised against the procedures used in this rulemaking.

1. *Commission action under ANGTA.* Section 9 of the ANGTA directs federal agencies responsible for the grant of any authorization "necessary or related to the construction and initial operation" of the ANGTS to issue such authorizations "at the earliest practicable date." 15 U.S.C. 719g. The regulations and the policy statement issued under this Order are necessary and related to the construction and initial operation of the ANGTS. These actions are required to establish the regulatory framework in which the gas sales contracting process can proceed. Also, investors will not agree to finance the ANGTS until cost allocations are established. This contracting process is an essential predicate for virtually all future government and private actions to build the ANGTS.

The policy statement adopted by this Order is intended to foster the objectives of the regulations, and is thus related to the construction and initial operation of the ANGTS. Because the phrase "necessary *or* related" in section 9 of the ANGTA is a disjunctive phrase, the "related" nature of these actions would in itself bring them within the ambit of ANGTA jurisdiction. These actions are also, in our view, necessary to the implementation of the project.

In its reply comments, Exxon contended that the Commission's actions in this rulemaking are based upon the NGPA and not the ANGTA, and that the ANGTA, being addressed only to matters involving the selection of a pipeline for transportation of gas from Alaska, contains no provisions relating to the pricing of Alaska gas.[51] The Commission disagrees. Section 9 of ANGTA, 15 U.S.C. 719g, implements the legislative purpose of the Act, "to expedite * * * construction and * * * operation" of the system approved under the Act. The substantive authority exercised by the Commission under the NGPA and the Natural Gas Act, to the extent applicable to actions "necessary or related" to the construction and initial operation of the ANGTS, must then be exercised in accordance with the requirements of section 9 of the ANGTA.

Some comments suggested that section 9 of the ANGTA only applies when an application is made for one of the authorizations specified in section 9(a) of the ANGTA, and that the Commission is not deciding the merits of any such application in this proceeding.[52] We find this argument unpersuasive. A policy regarding the approval of tariffs related to the construction and operation of the ANGTS should receive the same expedited consideration as a certificate to construct. This is consistent with the purpose of the ANGTA. Second, with regard to the amendments to the interim regulations under the NGPA, section 9(a) of the ANGTA applies to "a certificate, right-of-way * * * or other authorizations to be issued or granted by the federal officer or agency * * *." The term *"authorization"* is, in our view, broad enough to include the decision whether to permit sellers of gas produced in the Prudhoe Bay Unit, Alaska an adjustment to the maximum lawful price established by the NGPA.[53]

2. *Antitrust issues.* The Department of Justice in its comments expressed concern with the anticompetitive impact that might result from producer ownership of the gas conditioning plant. That concern was based in large part upon the premise that all gas developed on the North Slope would be handled by the gas conditioning plant at the

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of the NGPA provides that any amount paid in any first sale of the natural gas shall be deemed to be just and reasonable for purposes of sections 4 and 5 of the Natural Gas Act if such amount does not exceed the applicable maximum lawful price under title I of the NGPA.

[50] Comments of Panhandle Eastern Pipe Line Company at 7 (filed March 17, 1979).

[51] Reply comments of Exxon Corporation at 16.

[52] *See,* Reply comments of Exxon, at 19; Reply comments of Atlantic Richfield Company, at 4–6. Section 9(a) reads, in pertinent part, as follows:

> (a) To the extent that the taking of any action which is necessary or related to the construction and initial operation of the approved transportation system requires a certificate, right-of-way, permit, lease, or other authorization to be issued or granted by a Federal officer or agency, such Federal officer or agency shall—(1) to the fullest extent permitted by the provisions of law administered by such officer or agency, but (2) without regard to any provision of law which is waived pursuant to section 719f(g) of this title issue or grant such certificates, permits, rights-of-way, leases, and other authorizations at the earliest practicable date.

[53] Exxon and Sohio make several arguments in their comments relating to the applicability of the limited judicial review provisions contained in section 10 of the ANGTA. Thus, Sohio argues that judicial review of Commission action taken under the substantive law of NGPA must be a review pursuant to the provisions of section 506 of that Act, because, as a subsequently enacted law, the NGPA must supercede the provisions of section 10 of ANGTA. Reply Comments of Sohio Natural Resources Co. (Docket No. RM79–19) (filed April 3, 1979). Determination of the nature and scope of judicial review applicable to this rulemaking rests with the courts, not the Commission.

Prudhoe Bay field; the assumption that this plant would be characterized by economies of scale so great that it would constitute a competitive "bottleneck," and thereby restrain or entirely eliminate the opportunity for future competition in the relevant market from other facilities; and that the tariffs of the gas conditioning plant will not be regulated by the Commission. To eliminate any monopoly potential, the Department of Justice proposed that the Commission promulgate special rules for the gas conditioning plant.[54]

The Commission shares the Justice Department's concern about creating a situation that could lead to the development of unchecked monopoly power. However the Commission believes that the issues raised by the Justice Department do not need to be resolved in this Order, and should be deferred for resolution in a later proceeding, if then necessary and appropriate.

The Commission's February 2, 1979 Notice contemplated the adoption of a policy requiring, *inter alia*, that the conditioning facilities would be "owned" by the producers. Several of the comments questioned the Commission's jurisdiction to prescribe who could or could not "own" those facilities. In response to those comments, the Commission has recast its policy by deleting references to "ownership" of the facilities, focusing the policy instead on the "financial responsibility" for the conditioning facilities in the sense of which parties ought to bear the burdens of certain conditioning costs. As so recast, the Commission's policy is not necessarily premised on "ownership" of those facilities by any particular parties or entities, or by any combination thereof.

Accordingly, it would be premature to attempt to resolve at this time what "conditions" should be imposed in connection with "ownership" of the conditioning facilities, or even who might or might not have jurisdicition to impose such conditions. Those issues ought to be deferred until such time as more facts are available as to the contemplated nature and ownership of the facilities.

[54] These rules may be summarized as follows:

(1) The facility must provide nondiscriminatory access to all producers of natural gas;

(2) Any owner providing capital can unilaterally obtain expansion of the gas conditioning facility;

(3) An ownership share must be made available to all parties wishing to use the facilities, and this rule for ownership should be promulgated prior to construction; and

(4) Ownership must be revised on a regular basis according to use.

See Comments of the United States Department of Justice (Docket No. RM79-19) (filed March 19, 1979).

3. *Carbon Dioxide Standards.* In response to certain comments regarding the Commission's April 6, 1979, Notice of Proposed Rulemaking in Docket No. RM78-12,[55] the Commission ordered [56] the submission of further information and comments regarding the appropriate carbon dioxide content standard for natural gas entering the ANGTS, along with information regarding the impact of such standard on the distribution of costs between the conditioning and transportation functions. However, the Commission specifically reserved any "* * * determination of whether such studies are relevant and material to the issues to be resolved in Docket No. RM79-19." (May 16, 1979 Order at 4.) Based on the comments received, we believe that a determination of the appropriate carbon dioxide standard is not required for our consideration of Docket No. RM79-19. The resolution of that issue is left to further order under Docket No. RM78-12.

4. *Procedural Due Process.* This rulemaking was first noticed for comment on February 2, 1979. By that notice, comments were required to be filed by March 5, 1979, and reply comments were to be filed by March 19, 1979. Upon consideration of a motion by Sohio Natural Resources Company, the Commission extended the deadlines for filing initial and reply comments to March 19, 1979, and April 2, 1979, respectively.

After the close of the last filing date, the Commission issued two additional requests for comments and data. The first, soliciting information as to the proper carbon dioxide standard for the ANGTS and entitled "Order Requesting Further Submission of Data, Views, and Comments," was issued May 16, 1979. Initial data was to be submitted by June 1, 1979, and comments on the data were to be filed by June 15, 1979. By Notice issued June 14, 1979, the latter comment period was extended to June 25, 1979. This extension, granted in response to a motion filed by the State of Alaska, was made applicable only to that party. The second additional request for comments, a "Notice Inviting Comments" on a recently received special study reviewing Alaska Natural Gas Transportation System issues, and on two producer contracts for the sale of Prudhoe Bay gas that had been recently filed with the Commission, was issued May 31, 1979. Comments on these three items were to be filed by June 15, 1979. Upon consideration of motions filed by Exxon and Sohio, that comment period was extended to June 22, 1979.

Throughout the course of the proceeding, the Commission received several motions for extension of time to file comments or reply comments. Not all were granted, and those that were granted were for less than the requested times. The Commission is of the opinion that it proceeded properly, given the dual legal mandates of providing adequate time for reasoned comments [57] while acting as expeditiously as possible with respect to action touching upon the ANGTS, 15 U.S.C. 719g(a).

In all, 16 comments and 7 reply comments were received in response to the initial notice.[58] Besides the report on

[55] Determination of Incentive Rate of Return, Tariff and Related Issues for the Alaska Natural Gas Transportation System, Docket No. RM78-12, "Initial Comments of the State of Alaska" at 6-7 (May 4, 1979), and "Comments of Sohio Natural Resources Company on Notice of Proposed Rulemaking Issued April 6, 1979" at 2 (May 4, 1979).

[56] Docket No. RM78-12, and this proceeding, "Order Requesting Further Submission of Data, Views, and Comments" (May 16, 1979).

[57] *See, e.g.*, Portland Cement Assoc. v. Ruckelshaus, 486 F.2d 375, 392-393 (D.C. Cir. 1973).

[58] Sixteen initial comments were received: Comments of the Public Service Commission of the State of New York (Docket No. RM79-19) (filed March 8, 1979); Comments of Columbia Gas System Service Corporation, (Docket No. RM79-19) (filed March 15, 1979); Initial Comments of the People of the State of California and the Public Utilities Commission of the State of California, (Docket No. RM79-19) (filed March 16, 1979); Comments of Mobil Oil Corporation on the Proposed Rulemaking and Statement of Policy Concerning Production-Related Costs for Prudhoe Gas issued by the Federal Energy Regulatory Commission on February 2, 1979, (Docket No. RM79-19) (filed March 19, 1979); Comments of Panhandle Eastern Pipe Line Company, (Docket No. RM79-19) (filed March 19, 1979); Comments of SOHIO Natural Resources Company Concerning Proposed Rulemaking and Statement of Policy (Docket No. RM79-19) (filed March 20, 1979); Comments of Texaco, Inc. (Docket No. RM79-19) (filed March 19, 1979); Comments of Exxon Corporation (Docket No. RM79-19) (filed March 19, 1979); Comments of the State of Alaska (Docket No. RM79-19) (filed March 19, 1979); Comments of United States the Department of Justice (Docket No. RM79-19) (filed March 19, 1979); Comments of Foothills Pipe Lines (Yukon) Ltd. on Notice of Proposed Rulemaking and Statement of Policy (Docket No. RM79-19) (filed March 19, 1979); Initial Comments of the Federal Energy Regulatory Commission Staff (Docket No. RM79-19) (filed March 19, 1979); Comments of Atlantic Richfield Company on the Proposed Rulemaking and Statement of Policy concerning Production-Related Costs for Prudhoe Gas issued by the Federal Energy Regulatory Commission on February 2, 1979, (Docket No. RM79-19) (filed March 19, 1979); Letter to Mr. Plumb, Secretary to the Commission, from Earth Resources Company of Alaska (Docket No. RM79-19) (dated February 28, 1979); Comments of Northwest Pipeline Corporation (Docket No. RM79-19) (filed March 19, 1979); Comments of Pacific Interstate Transmission Company (Docket No. RM79-19) (filed March 10, 1979). Seven reply comments were filed as well: Reply Comments of the State of Alaska (Docket No. RM79-19) (filed Apr. 3, 1979); Reply Comments of Atlantic Richfield Corporation on the Proposed Rulemaking and Statement of Policy Concerning Production-Related Costs for Prudhoe Gas Issued By the Federal Energy Regulatory Commission on February 2, 1979 (Docket No. RM79-19) (filed Apr. 2, 1979); Reply Comments of Exxon Corporation (Docket No. RM79-19) (filed

Footnotes continued on next page

carbon dioxide submitted by Atlantic Richfield,[59] the Commission received a total of 10 comments in response to its notice inviting comment on carbon dioxide standards.[60] Finally, a total of 7 comments were received in response to the Commission's issuance of the special study and producer contracts.[61] This response supports our opinion that, while necessarily brief, the comment periods set for this docket were adequate to assure meaningful and reasoned responses.

It is with respect to the last request for comments, the Notice which circulated for comment the special study on ANGTS issues and the producer contracts, that questions have been raised concerning due process.[62] The gravamen of these allegations was that the Commission provided inadequate time to comment. This lack of adequate time was attributed in part to the short comment period, but particularly to the late release of a large amount of background information on the study, in response to information requests by certain parties.[63] The Commission is of the opinion that these objections are groundless. First, while it is incumbent upon the Commission to provide an adequate time to respond by comments, this requirement is tempered by the ANGTA's mandate for expedition. Second, while mildly relevant, neither the report nor the two contracts were materially relied upon by the Commission in promulgating this rule. Moreover, neither the study nor the contracts had to be noticed; the Commission could merely have made them a part of the public record in this proceeding.

Thus, the Commission believes that the procedures it has followed fully and properly comply with the notice and comment process. Nevertheless, in an abundance of caution, and to eliminate any lingering doubts, the Commission will afford the parties an additional opportunity to comment on the study and the background materials circulated in response to the information requests. In issuing this rule, the Commission has provided for an opportunity to petition for rehearing. Parties who wish to submit additional comments on the study and its background material may do so in conjunction with any petition for rehearing.

Finally, we note that on July 12, 1979, the Commission circulated to all parties in Docket No. RM79-19, copies of documents voluntarily supplied to counsel for the State of Alaska in response to a Freedom of Information Act request that has become the subject of litigation.[64] The Commission has not relied on that material in any way in the preparation of this Order. Nevertheless, inasmuch as those documents were circulated subsequent to the close of the comment period (as extended), and inasmuch as the Commission is permitting limited additional comment in conjunction with petitions for review, the Commission will also permit all parties to include in those comments any additional comments they may wish to make with respect to the material circulated in response to Alaska's Freedom of Information Act request.

Further Proceedings

The Commission is making this rule effective 60 days from the date of its issuance. The Commission will permit petitions for rehearing to be filed within 30 days of the date of issuance. Such petitions may include certain additional comments, as described above.

Pursuant to the mandate of section 502(b) of the Natural Gas Policy Act, the Commission will provide an opportunity for oral presentations prior to the effective date of this Order. That opportunity will occur subsequent to the date by which petitions for rehearing must be filed and prior to the Commission's resolution of such petitions. An appropriate notice will be issued, advising all interested persons of the time and place of the oral presentations.

Because this rule is issued *inter alia* pursuant to ANGTA, the Commission believes that it has an important responsibility to resolve all issues attendant to the rule as promptly as possible. Final agency action to permit prompt judicial review should occur as soon as reasonably practicable. Likewise, agency action implementing the rule should also proceed as promptly as possible. Therefore, we are structuring the petition procedure so as to permit judicial review (if any) on the rule to commence within 60 days of the issuance of this Order, while simultaneously inaugurating proceedings under the Order.

Accordingly, any party that wishes to file an application for review under § 271.1106 of the Commission's regulations, and that also wishes to file a petition for rehearing of this Order,

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Footnotes continued from last page
Apr. —, 1979); Reply Comments of the Federal Energy Regulatory Commission Staff (Docket No. RM79-19) (filed Apr. 3, 1979); Reply Comments of Northwest Pipeline Corporation (Docket No. RM79-19) (filed Apr. 2, 1979); Reply Comments of Sohio Natural Resources Company (Docket No. RM79-19) (filed Apr. 3, 1979); Reply Comments of Texaco, Inc. (Docket No. RM 79-19) (filed Apr. 4, 1979).

[59] Ralph M. Parsons Co., *February 1979 Supplementary Report CO_2 Specifications Study: Sales Gas Conditioning Facilities Prudhoe Bay, Alaska*, (1979) (submitted by Atlantic Richfield Company in Docket Nos. RM78-12, RM79-19, June 8, 1979).

[60] Comments of Alaskan Northwest Natural Gas Transportation Company and Northern Border Pipeline Company (Docket Nos. RM78-12, RM79-19) (filed June 1, 1979); Comments of Atlantic Richfield Company in reponse to the Order Requesting Further Submission of Data, Views and Comments issued May 16, 1979 (Docket Nos. RM78-12, RM79-19) (filed June 1, 1979); Comments of Sohio Natural Resources Company on Order Requesting Further Submission of Data, Views, and Comments issued May 16, 1979 (Docket Nos. RM78-12, RM79-19) (filed June 1, 1979); Letter of June 15, 1979 by Northwest Alaskan Pipeline Company to Kenneth Plumb, Secretary to the Commission (Docket Nos. RM78-12, RM79-19) (filed June 15, 1979); Reply Comments of Atlantic Richfield Company (Docket Nos. RM78-12, RM79-19) (filed June 15, 1979); and Reply Comments of Exxon Corporation (Docket Nos. RM78-12, RM79-19) (filed June 15, 1979). In addition four other comments were submitted and reviewed after the June 15th date. These included the comments of Alaska, submitted under the Commission's action to permit late filing, Reply Comments of the State of Alaska (Docket Nos. RM78-12, RM79-19) (filed June 25, 1979); Reply Comments of SOHIO Natural Resources Company (Docket Nos. RM78-12, RM79-19) (received June 22, 1979); comments of Natural Gas Pipeline Company of America (Docket Nos. RM78-12, RM79-19) (received July 3, 1979); additional comments of the Federal Energy Regulatory Staff (Docket Nos. RM78-12, RM79-19) (received June 26, 1979).

[61] Further Comments on the State of Alaska (Docket No. RM79-19) (filed June 22, 1979); Comments of Atlantic Richfield Company Concerning Staff Study Entitled "A Review of Alaska Natural Gas Transportation System Issues" (Docket No. RM79-19) (filed June 22, 1979); Comments of Columbia Gas Transmission Corporation (Docket No. RM79-19) (filed June 22, 1979); Limited Comments of Exxon Corporation Regarding the ICF Study on Alaska Natural Gas Transportation System Issues and Prudhoe Bay Gas Sales and Purchase Agreements (Docket No. RM79-19) (filed June 22, 1977); Comments of the People of the State of California and the Public Utilities Commission of the State of California (Docket No. RM79-19) (filed June 22, 1979); Comments of SOHIO Natural Resources Company concerning May 1979 Report by ICE (sic) Incorporated and Gas Sale and Purchase Agreements (Docket No. RM79-19) (filed June 22, 1979); Additional Comments of the Federal Energy Regulatory Commission Staff (Docket Nos. RM78-12, RM79-19) (received June 26, 1979).

[62] *See, e.g.*, Comments of Atlantic Richfield Company Concerning Staff Study Entitled "A Review of Alaska Natural Gas Transportation System Issues" at 2, n.2 (Docket of Exxon Corporation Regarding the ICF Study on Alaska No. RM79-19) (filed June 22, 1979); "Limited Comments Natural Gas Transportation System Issues and Prudhoe Bay Gas Sale and Purchase Agreements" at 2-4 (Docket No. RM79-19) (filed June 22, 1979).

[63] On June 6, 1979 and again on June 11, 1979, attorneys for the Exxon Corporation petitioned the Commission under § 3.102 and 1.36 of its regulations for the release of certain information concerning the study issued for comment. June 6, 1979 letter of Michael J. Manning and Patrick J. Keeley to John Adger, Director of the Commission's Alaska Project Office (Docket No. RM79-19) (filed June 7, 1979); June 11, 1979 letter of Michael J. Manning to and Patrick J. Keeley to John Adger Director (Docket No. RM79-19) (filed June 12, 1979). Responses to these requests were made on June 8, 15, 18 and 20, 1979, with copies served on all parties of record in Docket No. RM79-19.

[64] The request was made by attorneys on behalf of the State of Alaska, March 5, 1979, letter of Mr. Robert H. Loeffler to the Commission's Director of Public Information. The case is State of Alaska V. FERC, No. 79-1329 (D.C.D.C. filed May 15, 1979).

may cast its petition for rehearing, in the alternative, as an application for an adjustment under section 502(c) of the NGPA. In the event that such petition for rehearing is denied, the Commission, on its own motion, will then immediately proceed to consider the section 502(c) application. Such alternative applications accompanying petitions (or the petitions themselves) should be written in conformity with the Commission's regulations governing such applications, § 1.41 of the Commission's rules of practice and procedure. Should a denial of a petition for rehearing require such consideration, the Commission will review the application under the same rules as govern all such applications except that the 150-day determination period for staff review (§ 1.41(i)(3)) shall, for purposes of this order only, be shortened to 60 days. The Commission waives that provision of its regulations in order to review and decide such applications as quickly as possible.

Findings

For the reasons set forth above, the Commission finds:

(1) That the granting of an allowance under section 110 of the NGPA to the first sellers of natural gas produced at Prudhoe Bay, Alaska for transport through the ANGTS is an action related to the construction and initial operation of the ANGTS.

(2) That such allowances should not be granted except for costs incurred in the removal of carbon dioxide from a level of three percent by volume to a level of less than three percent by volume.

(3) That allowance for any production-related cost may, on future consideration, be necessary to prevent or alleviate special hardship, inequity, or an unfair distribution of burdens, and that provision should be made for such allowances pursuant to the procedures of section 502(c) of the NGPA.

(4) That there is a rebuttable presumption that costs incurred by transporters or shippers to condition natural gas (except for carbon dioxide removal below three percent) for transportation through the ANGTS are costs that were not prudently incurred.

(5) That the actions taken under this Order are in the public interest, and are necessary and appropriate for the proper adminstration of the Natural Gas Policy Act, the Natural Gas Act, the Alaska Natural Gas Transportation Act, and the President's *Decision* as adopted by the Congress.

Orders

Upon these findings and for the reasons set forth above, the Commission orders:

(1) That the regulations of the Commission be amended as set forth below, such amendments to become effective 60 days from the date of issuance of this Order.

(2) That parties to Docket No. RM79–19 may file petitions for rehearing of this rule within 30 days of the date of issuance of this order, pursuant to the procedure set forth in § 1.34 of the Commission's rules of practice and procedure. Such petitions may include views, data and comment with respect to the background materials that were circulated to the parties in response to information requests submitted by Exxon, and in response to the Freedom of Information Act request submitted by the State of Alaska, which materials were circulated to the parties shortly prior to, or subsequent to, the close of the comment period.

(3) That petitions for rehearing may be accompanied by, or drafted in the alternative as, an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act and § 271.1106 of the regulations. Such applications under § 271.1106 are to be made in conformance with the requirements of § 1.41 of the Commission's rules of practice and procedure.

(4) That in the event of a denial of any petition for rehearing under this Order which is drafted in the alternative as, or accompanied by, an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act, the Commission will, on its own motion, immediately proceed with consideration of such application. In considering such application, the Commission will be bound by the procedures of § 1.41 of its regulations except that the applicable "determination period" for staff review shall be 60 days commencing from the date that the petition for rehearing is denied.

(5) The Commission will provide an opportunity for oral presentations, subsequent to the date for filing petitions for rehearing and prior to the resolution of such petitions. A notice will be issued in sufficient time to provide interested parties knowledge of the time and place for such presentation and the procedures to be followed.

(Department of Energy Organization Act, Pub. L. No. 95–91, 91 Stat. 565, E.O. 12009, 42 FR 46267 (Sept. 15, 1977); Natural Gas Act, *as amended*, 15 U.S.C. §§ 717, *et seq.*; Alaska Natural Gas Transportation Act, 15 U.S.C. § 719(g); President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, H.J. Res. 621, Pub. L. No. 95–158, 91 Stat. 1268 (1977); Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3300 (1978).

In consideration of the foregoing, Part I, Subchapter A, Chapter I of Title 18 and Part 271, Subpart K of Title 18 are amended as set forth below, effective 60 days from the date of issuance.

By the Commission. Commissioner Sheldon, dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

Part 2, Subchapter A of Chapter I, Title 18 Code of Federal Regulations is amended by adding new § 2.101 to read as follows:

§ 2.101 Policy respecting consideration of certain tariffs applied for pursuant to the Natural Gas Act and involving gas to be transported through the Alaska Natural Gas Transportation System.

(a) In any proceeding involving the acceptance and the approval of tariffs filed with the Commission, or consideration of applications to construct or acquire facilities (whether they are submitted in conjunction with applications for certificates of public convenience and necessity for the construction and operation of the Alaska Natural Gas Transportation System, or whether they are for the purchase or transport of gas through that system), it will be the general policy of the Commission that there is a rebuttable presumption that costs incurred by transporters or shippers to condition natural gas for transportation through the Alaska Natural Gas Transportation System are costs that were not prudently incurred. Therefore, it will be the general policy of the Commission, absent rebuttal of the presumption, not to accept and approve tariff filings which permit the transporter or the shipper-purchaser to include the costs of conditioning gas as an addition to the costs of purchasing gas at the maximum lawful price.

(b) Additionally, absent rebuttal of the presumption, the Commission will deny any applications by any jurisdictional companies for authority to construct, acquire or operate facilities to perform such conditioning unless such facilities are financed by the producers, or by someone other than transporters or shippers of the gas.

(c) The policy of this section does not apply to such production-related costs

as are allowed pursuant to Commission action taken under Part 271, Subject K of its regulations. The policy will not apply to the costs of reducing the carbon dioxide content of the gas from three percent of its volume to below three percent of its volume, should the transporter or shipper purchase gas which carbon dioxide content has not been reduced from three percent to below three percent of its volume.

PART 271—CEILING PRICES

§ 271.1100 [Amended]

(2) Section 271.1100 of Subpart K, Part 271 of the Subchapter H of Chapter I, Title 18 Code of Federal Regulations is amended by deleting paragraph (b) in its entirety.

(3) Section 271.1105 is amended in paragraph (b) by revising paragraph (b)(2) and adding a new paragraph numbered (b)(3) to read as follows:

§ 271.1105 Production-related costs.

* * * * *

(b) *Exclusion of certain natural gas.*

* * *

(2) Is subject to an existing intrastate contract, an intrastate contract or a successor to an existing intrastate contract; or

(3) Was produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transportation system approved under the Alaska Natural Gas Transportation Act of 1976 saving only such applications as are submitted pursuant to § 271.1105(d)(3).

(4) Section 271.1105 is further amended in paragraph (d) by amending the introduction of paragraph (d)(1) by designating paragraph (d)(2) as (d)(3) and by adding a new paragraph numbered (d)(2) to read as follows:

§ 271.1105 Production-related costs.

* * * * *

(d) *Other production-related costs.* (1) Except as provided in paragraph (b) of this section and in subparagraphs (2) and (3) of this paragraph,

* * * * *

(2) With respect to first sales of natural gas produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transportation system approved under the Alaska Natural Gas Transportation Act of 1976, the Commission will entertain applications for costs necessary to lower the carbon dioxide content from a level of 3 percent by volume to a level of less than 3 percent by volume.

(3) Subject to paragraph (b) of this section, the Commission will entertain applications for costs necessary to meet or exceed the standards in subparagraph (1) of this paragraph with respect to first sales of natural gas to any person for use by such person.

Treatment of Certain Production-Related Costs for Natural Gas to be Sold and Transported Through the Alaska Natural Gas Transportation System

[Docket No. RM79-19]

Sheldon, Commissioner, dissenting:

Reviewing the President's Decision of September 1977 and its relationship to the numerous statutes concerning the Alaska Natural Gas Pipeline, I would reach a different conclusion than that of my colleagues. But at this time I believe it is premature to fully articulate my concerns.

The majority's statement of policy leaves many issues to be resolved at a later date. The unresolved issues are:

(A) The carbon dioxide standard is left to the further order in Docket No. RM78-12.

(B) Additional time has been allowed for further comments on the ANGTS issue and the producer contracts.

(C) The Commission will permit the parties to file additional comments with respect to the material circulated in response to the State of Alaska's Freedom of Information Act request.

(D) Pursuant to the mandate of Section 502(b) of the Natural Gas Policy Act, the Commission will allow the oral presentation of views prior to the *effective* date of this order.

Participants in this proceeding will obviously wish to file additional comments, rehearing and orally present their views to the Commission. These additional proceedings will have a substantial impact upon the majority's final resolution of this issue.

Georgiana H. Sheldon,

Commissioner.

[FR Doc. 79-27437 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 79-221]

Customs Regulations Relating to the Entry of Merchandise, Liquidation of Entries, Warehousing Periods, and Marking of Bulk Containers of Alcoholic Beverages, Amended

Correction

In FR Doc. 79-24494 appearing at page 46794 in the issue of Thursday, August 9, 1979, in the first column of page 46813, in § 10.31(a)(3)(iii), in the third line, "* * * are imported * * *" should have read "* * * are not imported * * *".

BILLING CODE: 1505-01-M

Fiscal Service

31 CFR Part 211

Amendment Deleting China From the List of Restricted Countries

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Final rule.

SUMMARY: The Secretary of the Treasury has assurances that checks or warrants drawn against funds of the United States and sent to China will be received by the payees and given full value. Therefore, the Department of the Treasury amends its regulations at 31 CFR Part 211 (Treasury Department Circular 655) to delete China from the list of restricted areas. The effect of this amendment is to allow payees in China to receive checks and warrants drawn against funds of the United States. The lifting of the restrictions on the delivery of checks to China does not affect the blocking restrictions under the Department of the Treasury's Foreign Assets Control Regulations at 31 CFR Part 500. Those checks and warrants which are blocked pursuant to 31 CFR Part 500 still cannot be sent to China.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT: Melissa Allen, Government Accounting Systems Staff, Room 412, Annex No. 1, Department of the Treasury, Washington, D.C. 20226, (202-566-8374).

SUPPLEMENTARY INFORMATION: On the basis of information available to the Secretary of the Treasury, including advice from the Department of State concerning normalization of relations with China, the Secretary has determined that postal, transportation and banking facilities in general, and local conditions in China are such that there is now a reasonable assurance that the payee of a check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, will actually receive such a check or warrant and be able to negotiate it for full value. The Department of the Treasury, therefore, removes China from the list of restricted areas enumerated in Circular 655.

While the amendment of Circular 655 to delete China has the effect of removing the overall prohibitions on sending United States Government

checks to China, the amendment does not revoke the blocking restrictions contained in the Foreign Assets Control Regulations. In the absence of a Treasury license, United States Government remittances to China or any national thereof may not involve any payment from a blocked account. An account is blocked under the Foreign Assets Control Regulations if there was a Chinese interest therein on or after December 16, 1950. With certain exceptions, current transactions with China were authorized as of May 6, 1971. It is anticipated that the United States will unblock Chinese assets on or about October 1, 1979.

The immediate effect of lifting the restrictions on China is to permit the delivery of United States Government checks and warrants which are not blocked by Foreign Assets Control Regulations. The Department of the Treasury believes the preponderance of these checks and warrants are Chinese claims, accruing after May 6, 1971, for United States Government benefits, e.g. Social Security payments, Veterans Administration payments, and Civil Service retirement benefits. Individual Federal agencies may delay payments on unblocked accounts until entitlement has been clearly established in accordance with special criteria prescribed by statutes or their regulations.

The Department of the Treasury finds, in accordance with 5 U.S.C. 553, that notice and public procedure are not required since the amendment pertains to a foreign affairs function of the United States and relates to benefits or contracts with private entities. Furthermore, the Department of the Treasury finds that notice and public procedure are not necessary since the amendment removes a burden which had previously been imposed by Circular 655.

(31 U.S.C. 126 and 5 U.S.C. 301)

Accordingly, 31 CFR Part 211.1(a) is amended by deleting "the People's Republic of China" from the list of restricted areas, and reads as follows:

§ 211.1 Withholding delivery of checks.

(a) It is hereby determined that postal, transportation or banking facilities in general, or local conditions in the People's Republic of Albania, the Republic of Cuba, Democratic Kampuchea, North Korea, the Socialist Republic of Viet-Nam, the German Democratic Republic, and the Soviet Sector of Berlin, Germany, are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

* * * * *

Dated: August 29, 1979.

P. H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 79-27402 Filed 8-31-79; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 100

[DoD Directive 1215.13] [1]

Unsatisfactory Performance of Ready Reserve Obligation

AGENCY: Office of the Secretary of Defense.

ACTION: Revision of final rule.

SUMMARY: This part updates the Department of Defense's policy on actions to be taken regarding members of the Ready Reserve whose performance of duty or whose participation in Reserve training is unsatisfactory. This modification of Department of Defense policy provides greater flexibility to the Secretaries of the Military Departments when they deal with unsatisfactory performance.

EFFECTIVE DATE: June 30, 1979.

FOR FURTHER INFORMATION CONTACT: LTC J. L. Gould, Office of the Deputy Assistant Secretary of Defense (Reserve Affairs), Washington, D.C. 20301, Telephone 202-697-4334.

SUPPLEMENTARY INFORMATION: In FR Doc. 67-2536, appearing in the **Federal Register** (32 FR 3829) on March 9, 1967, the Office of the Secretary of Defense published Part 100 to establish DoD policy regarding members of reserve components who enlist or who have enlisted into Ready Reserve units but who do not participate satisfactorily in such Reserve units after enlistment. On July 9, 1969, the Department of Defense revised Part 100 and published the revisions in FR Doc. 69-7998, appearing in the **Federal Register** (34 FR 11356). The thrust of this revision was a clarification of the term "unsatisfactory participation;" the specification of the mobilization status of Reserve personnel as a result of Government action; and the incorporation of new policy with regard to reservists who change residences and who are not relocatable. In FR Doc. 71-18194, appearing in the **Federal Register** on December 11, 1971 (36 FR 23627), and in FR Doc. 73-1969, appearing in the **Federal Register** on February 1, 1973 (38 FR 3043), Part 100 was revised and updated to reflect current Department of Defense policy concerning the actions to take in regard to members of the Ready Reserve whose performance of duty or whose participation in reserve training is unsatisfactory.

This revision further modifies DoD policy regarding unsatisfactory performance of Ready Reserve members of the Armed Forces of the United States. Accordingly, 32 CFR Chapter I is amended by revising Part 100, reading as follows:

PART 100—UNSATISFACTORY PERFORMANCE OF READY RESERVE OBLIGATION

Sec.

100.1 Reissuance and purpose.
100.2 Applicability.
100.3 Policy.
100.4 Responsibility.
100.5 Procedures.
100.6 Definitions.

Enclosure—Suggested Format, Affidavit of Service by Mail.

Authority.—Title 10, U.S.C. 510, 511, 593, 597, or 651, and Title 32 U.S.C. 302.

§ 100.1 Reissuance and purpose.

This part is reissued to update DoD policy on actions to be taken in regard to members of the Ready Reserve whose performance of duty or participation in Reserve training is unsatisfactory; and provides greater flexibility to the Military Departments when dealing with unsatisfactory performance.

§ 100.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense and the Military Departments.

§ 100.3 Policy.

Persons who are enlisted or appointed in, or transferred to a Reserve component of the Armed Forces of the United States, under the provisions of 10 U.S.C. 510, 511, 593, 597, or 651 and 32 U.S.C. 302 are expected to participate and perform satisfactorily as members of the Ready Reserve to fulfill their obligation or service agreement. This policy is also in accordance with the standards prescribed by 32 CFR Parts 102 and 101 and the Military Departments concerned.

§ 100.4 Responsibility.

The Secretaries of the Military Departments shall ensure that:

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 301.

(a) Ready Reserve applicants understand their obligations for satisfactory participation in the Ready Reserve before their enlistment or appointment.

(b) Members of the Ready Reserve continue to understand their obligations for satisfactory participation in the Ready Reserve after their enlistment or appointment in accordance with 32 CFR Part 44.

§ 100.5 Procedures.

(a) *Unsatisfactory participation in the Ready Reserve.* (1) Members of the Selected Reserve who have not fulfilled their statutory military service obligation under 10 U.S.C. 651 and whose participation has not been satisfactory *may* be:

(i) Ordered to active duty, *if they have not served on active duty or active duty for training for a total period of 24 months,* for such period of time as may be deemed necessary by the Secretary of the Military Department concerned under the provisions of 10 U.S.C. 673a (such individuals may be required to serve on active duty until their total service on active duty or active duty for training equals 24 months); or

(ii) Ordered to active duty for training, *regardless of the length of prior active duty or active duty for training,* for a period of not more than 45 days under provisions of 10 U.S.C. 270; or

(iii) Transferred to the Individual Ready Reserve (IRR) for the balance of their statutory military service obligation with a tentative characterization of service, normally under other than honorable conditions, when the Military Department concerned has determined that the individuals still possesses the potential for useful service under conditions of full mobilization; or

(iv) Discharged for unsatisfactory participation under the provisions of 32 CFR Part 41, when the Military Department concerned has determined that the individual has *no* potential for useful service under conditions of full mobilization.

(2) Members of the Selected Reserve who have fulfilled their statutory military service obligation under 10 U.S.C. 651 or who did not incur such obligation,[2] and whose participation has not been satisfactory *may* be:

(i) Transferred to the IRR for the balance of their current enlistment contract or service agreement with a tentative characterization of service, normally under other than honorable conditions, when the Military Department concerned has determined that the individual still has a potential for useful service under conditions of full mobilization; or

(ii) Discharged for unsatisfactory performance under 32 CFR Part 41 when the Military Department concerned has determined that the individual has no further potential for useful service under conditions of full mobilization.

(3) When a member of the Selected Reserve is identified as an unsatisfactory participant and considered a possible candidate for involuntary transfer to the IRR or for discharge, a board of officers shall be convened, as required by 10 U.S.C. 1163 to consider the circumstances and recommend appropriate action.

(4) When an individual is transferred to the IRR as a result of an approved board recommendation, no further board action shall be required before discharge if the individual fails to take affirmative action in an effort to upgrade the tentative characterization of service.

(5) Members of the IRR who have not fulfilled their statutory military service obligation under 10 U.S.C. 651 were enlisted or appointed under any program that provided that the obligation could be fulfilled by service in the IRR only, and whose participation in such a program has not been satisfactory *may* be:

(i) Retained in the IRR for the duration of their statutory military service obligation with a tentative characterization of service, normally under other than honorable conditions, when the Military Department concerned has determined that the individual still possesses the potential for useful service under conditions of full mobilization; or

(ii) Discharged for unsatisfactory performance under 32 CFR Part 41, when the Military Department concerned has determined that the individual has no potential for useful service under conditions of full mobilization.

(6) When a member of the IRR, whose enlistment or appointment provided that the service concerned could be performed entirely in the IRR (as opposed to the Selected Reserve), is identified as an unsatisfactory participant, a board of officers shall be convened as required by 10 U.S.C. 1163 to consider the circumstances and recommend appropriate action. When an individual is retained as a result of an approved board action, no further board action shall be required before discharge if the individual fails to take affirmative action in an effort to upgrade the tentative characterization of service.

(7) Individuals assigned to the Selected Reserve who are ordered to active duty under 10 U.S.C. 673a or to active duty for training under the provisions of 10 U.S.C. 270 may be returned to their previous unit of assignment or transferred to the IRR upon the completion of the active duty or active duty for training. When necessary, the individual's term of enlistment or service agreement may be extended to permit completion of the designated period of active duty or active duty for training in accordance with 10 U.S.C. 270(b) and 673(b).

(8) Individuals who are transferred or assigned to the IRR who have a tentative characterization of service of less than honorable because of unsatisfactory participation in the Ready Reserve shall be discharged at the end of their statutory military service obligation or their period of enlistment or service agreement, whichever is later with such characterization *unless* the individuals have taken affirmative action to upgrade the tentative characterization of service. Affirmative actions may include, but are not limited to, rejoining a unit of the Selected Reserve and participating satisfactorily for a period of 12 months, or volunteering for and completing a tour of active duty for training of not less than 45 days. When necessary, the individual's term of enlistment or service agreement may be extended to complete the affirmative action and qualify for a more favorable characterization of service.

(9) When members of the Selected Reserve are ordered to active duty, active duty for training, or transferred to the IRR because of unsatisfactory participation, copies of their orders should be furnished to the individuals through personal contact by a member of the command and a written acknowledgement of receipt obtained. When such efforts are unsuccessful, the orders shall be mailed to the individual.

(i) Orders mailed to such members shall be sent by Certified Mail (Return Receipt Requested), and a Receipt for Certified Mail (PS Form 3800) obtained. In addition, the individual who mails the orders shall prepare a Sworn Affidavit of Service by Mail (format at enclosure) that shall be inserted, together with the PS Form 3800, in the member's personnel file.

(ii) Notification shall be made through the mailing of orders to the member's most recent mailing address.

(iii) Provided the orders were properly mailed to the most recent address furnished by the member, absence of proof of delivery does not change the fact that the member was properly

[2] This includes women whose current enlistment or appointment was effected before February 1, 1978.

ordered to report for active duty, active duty for training, or transferred to the IRR, as appropriate.

(iv) Individuals ordered to active duty who fail to report shall have their names entered into the National Crime Information Center of the Federal Bureau of Investigation within 30 days following their reporting date and appropriate screening by the Deserter Information Point concerned.

(10) Orders affecting members of the IRR that involve active duty for training required by the terms of their enlistment or service agreement may be handled by mail in the manner prescribed in § 100.5(a)(9)(i).

(11) Each member of the IRR must keep the organization of assignment informed of (i) his/her accurate and current mailing address; (ii) any change of address, marital status, number of dependents, and civilian employment; and (iii) any change in physical condition that would prevent the member from meeting the physical or mental standards prescribed by 10 U.S.C. 652 and 32 CFR Part 44.

(12) Individuals involuntarily ordered to active duty or active duty for training under provisions of this Part may be delayed as prescribed by the Secretary of the Military Department concerned.

(13) Individuals whose involuntary order to active duty would result in extreme community or personal hardship may, upon their request, be transferred to the Standby Reserve, the Retired Reserve, or discharged, as appropriate, in accordance with 10 U.S.C. 673a(c) and 32 CFR Part 44.

(b) *Exceptions.* As exceptions to the criteria in § 100.5(a), members of the Ready Reserve who do not or are unable to participate for any of the following reasons shall be processed as indicated:

(1) Members of the Selected Reserve who are unable to participate in a unit of the Selected Reserve by reason of an action taken by the Military Department concerned, such as unit inactivation or relocation, to the effect that they now reside beyond a reasonable commuting distance (as defined in § 100.6(e)) of a Reserve unit, shall be assigned to the IRR until they are able to join or be assigned to another unit, or complete their statutory military service obligation.

(2) Members of the Selected Reserve who change their residence:

(i) May lose their unit position. However, they will be transferred to another paid-drill unit with the same Reserve component if possible or be given 90 days after departing from their original unit to locate and join another unit. At the new unit, they will fill an existing vacancy or be assigned as a temporary overstrength within the congressionally authorized standard-years (defined in § 100.6(f)) or funds under § 100.5(b)(2)(iii) (A) and (B) below.

(ii) May locate position vacancies that require different specialties than the ones they now possess. Therefore, the Secretary of the Military Department concerned may provide for the retaining of these individuals (with their consent) by ordering them to active duty for training to acquire the necessary specialties.

(iii) Must be accepted in a Reserve unit by their parent Military Department regardless of vacancies, subject to the following conditions:

(A) The losing unit certifies that the reservist's performance of service has been satisfactory.

(B) The reservist's specialty is usable in the unit, the member can be retrained by on-the-job training, or the member is willing to be retrained as outlined in § 100.5(b)(2)(ii).

(iv) Are authorized to transfer to another Reserve component under the provisions of DoD Directive 1205.51, "Transfer of Persons Between Reserve Components of the Armed Forces," June 25, 1959, when the conditions outlined in § 100.5(b)(2)(iii) apply.

(3) If members of the Selected Reserve who change their residents fail to join another unit within a period of 90 days, and at least 1 unit of their component is within a reasonable commuting distance, as such distance is defined in § 100.6(e) they shall be processed in accordance with § 100.5(a) unless they are considered eligible to be handled as "exceptions" under policies outlined in § 100.5(b) (5) through (8) below.

(4) If members of the Selected Reserve who change their residences locate in an area where they reside beyond a reasonable commuting distance, as such distance is defined in § 100.6(e) of a paid-drill unit of the same Reserve component, they shall be assigned to the IRR of their service until they are able to transfer to a paid-drill unit of another Reserve component; or complete their statutory military service obligation.

(5) Members of the Ready Reserve who are preparing for, or are engaged in, critical civilian occupations will be screened in accordance with 32 CFR Part 44.

(6) Individuals who are preparing for the ministry in a recognized theological or divinity school may participate voluntarily in the Ready Reserve. However, under 10 U.S.C. 685, such individuals may not be required to do so. Members who do not wish to participate shall be transferred to the Standby Reserve. If such training is terminated before graduation, the member may be transferred back to the Ready Reserve. A member eligible for assignment to the Standby Reserve under the provisions of 10 U.S.C. 268(b), 270, 510, 511, 593, 597, 651, 652, 672, 673, 673a, 673b, 685, and 1163 who voluntarily remains assigned to the Selected Reserve and participates in the training required, waives any right to request delay to exemption from any later mobilization on the basis of preparation for the ministry.

(7) Individuals who are enrolled in a course of graduate study in one of the health professions shall be screened in accordance with DoD Directive 1200.141, "Reservists Who Are Engaged in Graduate Study or Training in Certain Health Progressions," July 30, 1969.

(8) Individuals who incur a bona fide, temporary nonmilitary obligation requiring overseas residency outside the United States, or religious missionary obligation shall be processed in accordance with 32 CFR Part 103.

(9) Nothing in this part shall be construed as limiting the right of the individual to voluntarily request transfer to the Standby Reserve or to the Retired Reserve, or discharge from the Reserve components when such action is authorized by regulations of the Military Department concerned.

(10) Nothing in this part shall be construed as precluding action against a member of the Ready Reserve, either by court-martial or review by a board of officers convened by an authority designated by the Secretary of the Military Department concerned, when such action might otherwise be warranted under 10 U.S.C. 268(b), 270, 510, 511, 593, 597, 651, 652, 672, 673, 673a, 673b, 685, and 1163 and the regulations of the Military Department concerned.

§ 100.6 Definitions.

(a) *Ready Reserve.* Consists of the Selected Reserve and the Individual Ready Reserve. Members of both are subject to active duty as outlined in 10 U.S.C. 672 and 673.

(b) *Selected Reserve.* Members of the Ready Reserve in training/pay categories A, B, C, F, M and P. These reservists are either members of units who participate regularly in drills and annual active duty for training, in annual field training in the case of the National Guard, or are on initial active duty for training; or they are individuals who participate in regular drills and annual active duty on the same basis as members of Reserve component units. *Excluded* from the Selected Reserve are Reserve component members who are:

(1) Participating in annual active duty for training and not paid for attendance

at regular drills (pay categories D and E), or awaiting, in a nonpay status, their initial active duty for training (pay category L).

(2) Enrolled in officer training program (pay category J) members of the Individual Ready Reserve pool (pay category H), and reservists on extended active duty. (See 10 U.S.C. 268(b) 32 CFR Part 102.)

(3) Members of the Inactive Army National Guard.

(c) *Individual Ready Reserve (IRR).* Members of the Ready Reserve not assigned to the Selected Reserve and not on active duty.

(d) *Unsatisfactory Participation.* A member of the Ready Reserve who fails to fulfill his/her obligation or agreement as a member of a unit of the Ready Reserve described in 10 U.S.C. 268(b), 270, 510, 511, 593, 597, 651, 652, 672, 673, 673a, 673b, 685, and 1163. Or a member who fails to meet the standards as prescribed by the Military Departments concerned for attendance at training drills, attendance at active duty for training, training advancement, or performance of duty.

(e) *Reasonable Commuting Distance.* The maximum distance a member of a Reserve component may travel involuntarily between residence and drill training site, in accordance with § 100.5(b)(1). This distance may be within:

(1) A 100-mile radius of the drill site that does not exceed a distance that can be traveled by automobile under average conditions of traffic, weather, and roads within 3 hours. This applies only to those units that normally conduct four drills on 2 consecutive days during the training year, if Government meals and quarters are provided at the base where the unit drills. (The provisions of this paragraph shall apply only to those individuals enlisting, reenlisting, or extending their enlistments after November 1, 1972.)

(2) A 50-mile radius of the drill site that does not exceed a distance that can be traveled by automobile under average conditions of traffic, weather, and roads within a period of 1½ hours.

(f) *Standard-Year.* Personnel authorizations that describe the amount of work expected of one individual during a calendar or fiscal year.

(g) *Tentative Characterization of Service.* An interim description of the quality of performance during a period which is less than the time required to earn an administrative discharge. The quality of performance shall be described as honorable, under honorable conditions, or under other than honorable conditions. If the quality is described as under honorable conditions or under other than honorable conditions, only a General Discharge may be awarded upon completion of the necessary period of service.

Enclosure

Suggested Format

Affidavit of Service by Mail

State of ————
County of ————
———— (Name of individuals who mailed orders), being duly sworn, deposes and says:

I am the ———— (Job Title, e.g., Personnel Officer) of ———— (Unit) on the ——— day of ———— 19—, I mailed the original orders, a true copy of which is attached hereto, by Certified Mail (Return Receipt Requested) to ———— (Name and address of member of orders) that being the last known address given to ———— (Unit) as the one at which official mail would be received by or forwarded to the Reserve component member by depositing same in an official depository of the U.S. Postal Service at ———— (Location of Postal Facility) in a securely wrapped and sealed U.S. Government official postal envelope with a Return Receipt Card (PS Form 3811) attached and the envelope addressed to the member at the address provided. A Receipt for Certified Mail (PS Form 3800) attesting to such action is attached.

———— (Signature and Rank of Affiant)
Sworn and subscribed before me this ——— day of ———— 19—.
———— (Signature and Rank of Officer Administering Oath)

H. E. Lofdahl,

Director, Correspondence & Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79-27404 Filed 8-31-79; 8:45 am]

BILLING CODE 3810-70-M

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32 CFR Part 205

[DoD Directive 5040.1] [1]

Defense Audiovisual Agency

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes the Defense Audiovisual Agency (DAVA) and the Defense Audiovisual Steering Committee (DAVSC). The DAVA, which is established as a separate agency of the Department of Defense under the authority and direction of the Assistant Secretary of Defense (Public Affairs) (ASD(PA)), shall provide centrally managed production, acquisition, distribution, and depository support and services for selected audiovisual products to DoD Components. The DAVSC, an audiovisual policy committee that reports to the ASD(PA), is tasked with providing advice and assistance to the ASD(PA) on DoD audiovisual activities.

EFFECTIVE DATE: June 12, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Howard G. Becker, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301, Telephone 202-695-4281.

Accordingly, 32 CFR Chapter 1 is amended by adding a new Part 205, reading as follows:

PART 205—DEFENSE AUDIOVISUAL AGENCY

Sec.
205.1 Purpose.
205.2 Applicability and scope.
205.3 Mission.
205.4 Organization and management.
205.5 Responsibilities and functions.
205.6 Relationships.
205.7 Authority.
205.8 Administration.
205.9 Definitions.
205.10 Delegations of authority.

Authority: Title 10, U.S.C.

§ 205.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, United States Code, this Part establishes (a) the Defense Audiovisual Agency (DAVA); and (b) the Defense Audiovisual Steering Committee (DAVSC) with responsibilities, functions, authorities, and relationships as outlined below.

§ 205.2 Applicability and scope.

The provisions of this Part apply to the Office of the Secretary of Defense and its field activities, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Unified and Specified Commands (hereinafter referred to as "DoD Components").

§ 205.3 Mission.

(a) The DAVA shall provide centrally-managed production, acquisition, distribution, and depository support and services for selected audiovisual products to all DoD Components.

(b) The DAVSC shall provide advice and assistance to the Assistant Secretary of Defense (Public Affairs) (ASD(PA)) on matters relating to DoD audiovisual activities.

§ 205.4 Organization and Management.

(a) The DAVA is established as a separate agency of the Department of Defense under the authority, direction, and control of the ASD(PA). It shall

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120, Attention: Code 301.

consist of a Director and subordinate organizational elements that are established by the Director within resources assigned by the Secretary of Defense.

(b) The DAVSC is established as an audiovisual policy committee reporting to the ASD(PA). It shall consist of the following:

(1) A Chair, who shall be designated by the ASD(PA).

(2) One representative from each of the Military Departments and the DAVA.

(3) An Executive Secretary, who shall be designated by the ASD(PA).

§ 205.5 Responsibilities and Functions.

(a) The Director, DAVA, shall: (1) Organize, direct, and manage the DAVA and all resources assigned to the DAVA.

(2) Perform production, acquisition, and reproduction of all motion picture films, video and audio tapes and discs, still photographs, multimedia and other audiovisual media

(i) That meet any one of the following: (A) Are intended for use by more than one DoD Component;

(B) Are intended for public exhibition;

(C) Are commercial or contract productions (except when audiovisual products are only part of a larger information or technical package).

(D) Are adoptions from other Federal agencies.

(E) Involve production or acquisition costs in excess of $50,000.

(F) Are required by DoD Components which have not been authorized their own audiovisual production or acquisition capabilities.

(ii) But that exclude: (A) Audiovisual documentation integral to the performance of reconnaissance, surveillance, intelligence, criminal and legal investigative, medical diagnostic, or RDT&E functions; or to the operation of a weapon system or command and control center.

(B) Reprographic, cartographic, microfilm, or microfiche products.

(C) Acquisition and distribution of commercial entertainment programs distributed by the American Forces Radio and Television Service.

(3) Manage and operate a system for the distribution of DAVA audiovisual products and such other audiovisual products as the ASD(PA) may, for reasons of economy and efficiency, assign to this system.

(4) Manage and operate depositories for the archival storage of Department of Defense audiovisual products.

(5) Test and evaluate off-the-shelf commercial audiovisual equipment and report findings and make certifications to Defense Audiovisual Standardization Panel of the Defense Materiel Specifications and Standards Board.

(6) Develop and maintain an audiovisual data base as required by the ASD(PA) and in accordance with DoD Directive 5000.19[1], "Policies for the Management and Control of Information Requirements," March 12, 1976, and DoD Directive 5000.11[1], "Data Elements and Data Codes Standardization Procedures," April 27, 1965, for the management of the DoD Audiovisual Program, to include the preparation of departmental reports required by Office of Management and Budget Circular A-114, "Management of Federal Audiovisual Activities," April 13, 1978.

(7) Perform such other related functions as are assigned by the ASD(PA).

(b) The DAVSC shall meet periodically to: (1) Consider questions of policy with respect to DoD Audiovisual activities.

(2) Facilitate exchange of information among the ASD(PA), the audiovisual representatives of the Military Departments, and the Director, DAVA.

(3) Provide advice and recommend policy to the ASD(PA).

(c) The ASD(PA) shall: (1) Recommend to the Secretary of Defense policies for the administration of DoD Audiovisual activities.

(2) Monitor, evaluate, and provide guidance regarding the implementation of DoD Audiovisual policies, procedures, and technical standards by DoD Components.

(3) provide policy and operational direction to the Director, DAVA.

§ 205.6 Relationships.

(a) For the performance of assigned functions, the Director DAVA, shall: (1) Coordinate actions, as appropriate, with other DoD Components having collateral or related functions in the field of assigned responsibility.

(2) Maintain appropriate liaison with other DoD Components, as well as other governmental and non-governmental agencies, for the exchange of information and advice on programs in the field of assigned responsibility.

(3) Make use of established facilities and services in the Department of Defense and other Government agencies wherever practical to avoid duplication and achieve maximum efficiency and economy.

(b) heads of DoD Components will coordinate with the Director, DAVA, on all matters related to the mission, responsibilities and functions of DAVA.

§ 205.7 Authority.

The Director, DAVA, is specifically authorized to: (a) Obtain such information, advice, and assistance from other DoD Components, consistent with the policies and criteria of DoD Directive 5000.19[1], as necessary to carry out effectively DAVA programs and activities.

(b) Communicate directly with appropriate personnel in the Military Departments and other DoD Components on matters related to DAVA programs and activities.

(c) Exercise the administrative authorities contained in § 205.10 of this Part.

§ 205.8 Administration.

(a) The Director, DAVA, shall be appointed by the Secretary of Defense.

(b) DAVA shall be authorized personnel, facilities, funds, and other administrative support that the Secretary of Defense considers necessary.

(c) The Secretaries of the Military Departments or designees shall assign military personnel to DAVA in accordance with approved authorizations and established procedures for assignment to joint duty.

(d) Other DoD Components shall provide administrative support required for DAVA through interservice support agreements.

§ 205.9 Definitions.

(a) *Acquisition.* The process through which audiovisual products are obtained from commercial sources.

(b) *Audiovisual (AV).* The use of sound or visual imagery for the purpose of communicating information.

(c) *AV Activities.* Organizations or functions relating to the management of AV resources or the provision of AV services and products. (Includes equipment, facilities, products, personnel, supplies, accessories, maintenance, and support.)

(d) *AV Depository.* An archive established to preserve AV materials and records.

(e) *AV Documentation.* Audiovisual recording of events as they occur, i.e., not generally controlled by the recording crew. The two general types are *operational documentation* (sometimes referred to as "combat documentation"), which includes photojournalism, and *technical documentation,* which includes medical documentation, optical instrumentation, and gun- and strike-camera imagery.

(f) *AV Equipment* includes (1) items of a durable nature used for recording, producing, reproducing, processing, and exhibiting AV products that are capable of continuing or repetitive use; and (2) items that perform an AV function as an integral part of a non-AV systems or

devices and that, when permanently removed, can be identified as end-items of equipment.

(g) *AV Facilities.* Physical plants in which AV activities are housed.

(h) *AV Products.* Material containing sound or visual imagery that conveys information. (Includes slides and other forms of still projection, still photographs, graphics, film strips, motion pictures, videotapes and videodiscs, and audio recordings on tape or disc.) AV production is also a form of AV product, but is usually addressed separately.

(i) *AV Production.* The process and the result of combining or arranging separate or combined audio or visual products in continuity according to a plan or script.

(j) *AV Services.* Those functions that: result in obtaining or preparing an AV product; support existing AV products (e.g., distribution and depository operations); or use existing AV products, equipment, or activities to support other functions (e.g., projection services, other presentation systems, or operation of conference facilities).

§ 205.10 Delegations of authority.

(a) Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority and control, and in accordance with DoD policies, directives and instructions, the Director, DAVA, or, in the absence of the Director, the person acting for him, is hereby delegated authority, as required in the administration and operation of DAVA, to:

(1) Perform the following functions in accordance with the provisions of 5 U.S.C. 7532 (1976); Executive Order 10450, as amended, 3 C.F.R. 936 (1949–1953 Compilation), reprinted at 5 U.S.C. 7311 (1976); and 32 CFR 156.

(i) Designate any position in DAVA as a "sensitive" position;

(ii) Authorize, in case of an emergency, the appointment of a person to a sensitive position in DAVA for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Security Check, has not been completed; and

(iii) Authorize the suspension, but not including termination of the services of an employee in the interest of national security in positions within DAVA.

(2) Authorize and approve overtime work for DAVA civilian employees in accordance with the provisions of the Federal Personnel Manual Supplement 990–1, section 550.111 (5 CFR 550.111 (1978)).

(3) Develop, establish and maintain an active and continuing Records Management Program, pursuant to 44 U.S.C.A. 3102 (1969 & Supp. 1978).

(4) Authorize the publication of advertisements, notices, or proposals in public periodicals, as required for the effective administration of DAVA pursuant to 44 U.S.C. 3702 (1970).

(5) Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.11, "Department of Defense Directives System," November 18, 1977.

(6) In coordination with the DASD (Administration), enter into support and services agreements with the Military Departments, other DoD Components or other Government agencies, as required for the effective and efficient performance of responsibilities and functions assigned to DAVA.

(7) Enter into and administer contracts directly or through a Military Department, a DoD contract administration services component, or other Government department or agency, as appropriate, for supplies, equipment and services required to accomplish the mission of DAVA. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority will be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

(b) The Director, DAVA, may redelegate these authorities, as appropriate and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

(c) This delegation of authorities is effective immediately.

August 29, 1979

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79-27403 Filed 8-31-79; 8:45 am]

BILLING CODE 3810-70-M

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS

32 CFR Part 2400

Security Information Regulations; Implementation of Executive Order 12065

AGENCY: Office for Micronesian Status Negotiations.

ACTION: Final rule.

SUMMARY: These regulations establish security information regulations for the Office for Micronesian Status Negotiations in conformity with E.O. 12065, 43 FR 28949, July 3, 1978, entitled National Security Information and the Information Security Oversight Office Directive No. 1, 43 FR 46280, October 5, 1978, relating to classification, downgrading, declassification and safeguarding of national security information. The Order increases openness in Government by limiting the classification of documents and by accelerating the declassification of other documents, while providing improved protection against unauthorized disclosure of information which requires protection in the interest of national security.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: LTC Albert V. Short, Security Officer, Office for Micronesian Status Negotiations, Suite 3356, Interior Department Building, Washington, D.C. 20240, telephone 202–343–9143. CDR A. John Armstrong, Legal Counsel, Office for Micronesian Status Negotiations, Suite 3356, Interior Department Building, Washington, D.C. 20240, telephone 202–343–9143. Mr. Keith Guthrie, Status Liaison Officer, Trust Territory Headquarters, Saipan, Mariana Islands 96950, telephone 9727.

SUPPLEMENTARY INFORMATION: The Office for Micronesian Status Negotiations considers all regulations, or amendments to existing regulations, published in the **Federal Register** and codified in the Code of Federal Regulations to be significant regulations, unless specifically determined and expressly justified to be otherwise. In this regard, it has been determined that this final rule is not subject to the notice and public procedure requirements of Executive Order 12044, March 24, 1978, "Improving Government Regulations," and the Department's regulations implementing that Order, 43 FR 52120, November 8, 1978, because the regulations are "required to implement a statute, an international agreement, a court decision, or a regulatory action of another agency, bureau, or office, and no substantial element of discretion is afforded the rulemaker," and because the regulations are "essentially procedural." Additionally, as these regulations are "rules of agency organization, procedure or practice," notice and public procedure respecting these regulations are not deemed necessary or appropriate under 5 U.S.C. 553(b)(A). Regulations dealing with internal procedures will be promulgated separately. Copies of these regulations

are available upon written request to OMSN, Attn: Director, Suite 3356, Interior Department Building, Washington, D.C. 20240.

Dated: August 23, 1979

Peter R. Rosenblatt,

Ambassador, President's Personal Representative for Micronesian Status Negotiations.

Part 2400 is added to Title 32, CFR and is to read as set forth below.

PART 2400—SECURITY INFORMATION REGULATIONS

Subpart A—Introduction

Sec.
2400.1 References.
2400.2 Purpose.
2400.3 Applicability.

Subpart B—Original Classification

2400.11 Basic Policy.
2400.12 Criteria for and level of original classification.
2400.13 Duration of original classification.
2400.14 Challenges to classification.

Subpart C—Derivative Classification

2400.21 Definition and application.
2400.22 Classification guides.

Subpart D—Declassification and Downgrading

2400.31 Declassification authority.
2400.32 Declassification general.
2400.33 Mandatory review for declassification.
2400.34 Downgrading authority.

Subpart E—Safeguarding

2400.41 General restrictions on access.
2400.42 Responsibility for safeguarding classified information.
2400.43 Reproduction controls.
2400.44 Administrative sanctions.

Subpart F—Implementation and Review

2400.51 Information Security Oversight Committee.
2400.52 Classification Review Committee.

Authority: E.O. 12065, National Security Regulation of June 28, 1978 (43 FR 28949, July 31, 1978); Information Security Oversight Office Directive No. 1 (43 FR 46280, October 5, 1978).

Subpart A—Introduction

§ 2400.1 References.

(a) Executive Order 12065, "National Security Information," June 28, 1978, (hereinafter E.O. 12065).

(b) Information Security Oversight Office, Directive No. 1, "National Security Information," October 2, 1978, (hereinafter ISOO Directive No. 1).

§ 2400.2 Purpose.

The purpose of this Regulation is to ensure, consistent with the authorities listed in § 2400.1, that national security information originated and/or held by the Office for Micronesian Status Negotiations (OMSN), which includes the Status Liaison Office, Saipan, Northern Mariana Islands (SLNO), is protected. To ensure that such information is protected, but only to the extent and for such period as is necessary, this regulation identifies the information to be protected and prescribes certain classification, declassification and safeguarding procedures to be followed.

§ 2400.3 Applicability.

This Regulation supplements E.O. 12065 within OMSN with regard to National Security Information. In consonance with the authorities listed in § 2400.1, it establishes general policies and certain procedures for the classification, declassification and safeguarding of information which is owned by, is produced for or by, or is under the control of OMSN.

Subpart B—Original Classification

§ 2400.11 Basic Policy.

(a) *General.* It is the policy of OMSN to make available to the public as much information concerning its activities as is possible, consistent with its responsibility to protect the national security.

(b) *Safeguarding national security information.* Within the Federal Government there is some information which because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our nation.

(c) *Balancing test.* To balance the public's interest in access to government information with the need to protect certain national security information from disclosure, these regulations indentify the information to be protected, prescribe classification, downgrading, declassification, and safeguarding procedures to be followed, and establish education, monitoring and sanctioning systems to insure their effectiveness. When questions arise as whether the need to protect information may be outweighed by the public interest in disclosure of the information, they shall be referred to OMSN pursuant to § 2400.32(b) for a determination whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure.

§ 2400.12 Criteria for and level of original classification.

(a) *General Policy.* Documents or other material are to be classified only when protecting the national security requires that the information they contain be withheld from public disclosure. Information may not be classified to conceal violations of law, inefficiency, or administrative error, or to prevent embarrassment to a person, organization or agency, or to restrain competition. No material may be classified to limit dissemination, or to prevent or delay public release, unless its classification is consistent with E.O. 12065.

(b) *Criteria.* To be eligible for classification, information must meet two requirements:

(1) First, it must deal with one of the criteria set forth in Section 1–301 of E.O. 12065;

(2) Second, the President's Personal Representative for Micronesian Status Negotiations or his delegate who has original classification authority must determine that unauthorized disclosure of the information or material can reasonably be expected to cause at least identifiable harm to the national security.

(c) *Classification designations.* Only three designations of classification are authorized—"Top Secret," "Secret," "Confidential." No other classification designation is authorized or shall have force.

(d) Unnecessary classification, and classification at a level higher than is necessary, shall be avoided. If there is reasonable doubt as to which designation in section 1–1 of E.O. 12065 is appropriate, or whether information should be classified at all, the less restrictive designation should be used, or the information should not be classified.

§ 2400.13 Duration of original classification.

(a) Information or material which is classified after December 1, 1978, shall be marked at the time of classification with the date or event for declassification or a date for review for declassification. This date or event shall be as early as national security permits and shall be no more than six years after original classification except as provided in paragraph (b) of this section.

(b) Only the President's Personal Representative for Micronesian Status Negotiations may authorize a classification period exceeding six years. Originally classified information that is so designated shall be identified with the authority and reason for extension. This authority shall be used sparingly. In those cases where extension of classification is warranted, a declassification date or event, or a date for review shall be set. This date or event shall be early as national security

permits and shall be no more than twenty years after original classification except that for foreign information the date or event may be up to thirty years after original classification.

§ 2400.14 Challenges to classification.

If holders of classified information believe the information is improperly or unnecessarily classified, or that original classification has been extended for too long a period, they should discuss the matter with their immediate superiors or the classifier of the information. If these discussions do not satisfy the concerns of the challenger, the matter should be brough to the attention of the chairman of the OMSN Information Security Oversight Committee, established pursuant to § 2400.51. Action on such challenges shall be taken within 30 days from date of receipt and the challenger shall be notified of the results. When requested, anonymity of the challenger shall be preserved.

Subpart C—Derivative Classification

§ 2400.21 Definition and application.

Derivative classification is the act of assigning a level of classification to information which is determined to be the same in substance as information which is currently classified. Thus, derivative classification may be accomplished by any person cleared for access to that level of information, regardless of whether the person has original classification authority at that level.

§ 2400.22 Classification guides.

OMSN shall issue classification guides pursuant to Section 2–2 of E.O. 12065. These guides, which shall be used to direct derivative classification, shall identify the information to be protected in specific and uniform terms so that the information involved can be readily identified. The classification guides shall be approved in writing by the President's Personal Representative for Micronesian Status Negotiations. Such approval constitutes an original classification decision. The classification guides shall be kept current and shall be reviewed at least every two years.

Subpart D—Declassification and Downgrading

§ 2400.31 Declassification authority.

The Director, OMSN, is authorized to declassify OMSN originated documents after consultation with the appropriate OMSN staff members.

§ 2400.32 Declassification general.

Declassification of classified information shall be given emphasis comparable to that accorded to classification. The determination to declassify information shall not be made on the basis of the level of classification assigned, but on the loss of the sensitivity of the information with the passage of time, and with due regard for the public interest in access to official information. At the time of review, any determination not to declassify shall be based on a determination that despite the passage of time since classification, release of information reasonably could still be expected to cause at least identifiable damage to the national security.

§ 2400.33 Mandatory review for declassification.

(a) *General.* All information classified under the Order or prior orders, except as provided for in Section 3–503 of E.O. 12065 shall be subject to review for declassification upon request of a member of the public, a government employee, or an agency.

(b) *Receipt.* (1) Requests for mandatory review for declassification under Section 3–501 of E.O. 12065 must be in writing and should be addressed to: Office for Micronesian Status Negotiations, ATTN: Security Officer (Mandatory Review Request), Room 3356, Department of the Interior, Washington, D.C. 20240.

(2) The requestor shall be informed of the date of receipt of the request at OMSN. This date will be the basis for the time limits specified in paragraph (c) of this section.

(3) If the request does not reasonably describe the information sought, the requestor shall be notified that, unless additional information is provided or the request is made more specific, no further action will be taken.

(4) Subject to paragraph (b)(7) of this section, if the information requested is in the custody of and under the exclusive declassification authority of OMSN, OMSN shall determine whether the information or any reasonably segregable portion of it no longer requires protection. If so, OMSN shall promptly make such information available to the requester, unless withholding it is otherwise warranted under applicable law. If the information may not be released, in whole or in part, OMSN shall give the requester a brief statement of the reasons, a notice of the right to appeal the determination to the agency review committee, and notice that such an appeal must be filed with the review committee within 60 days.

(5) When OMSN receives a request for information in a document which is in its custody, but which was classified by another agency, it shall refer the request to the appropriate agency for review, together with a copy of the document containing the information requested, where practicable. OMSN shall also notify the requester of the referral, unless the association of the reviewing agency with the information requires protection. The reviewing agency shall review a document in coordination with any other agency involved with the classification or having a direct interest in the subject matter. The reviewing agency shall respond directly to the requester in accordance with the pertinent procedures described above and, if requested, shall notify OMSN of its determination.

(6) Requests for declassification of classified documents originated by OMSN or another agency but in the possession and control of the Administrator of General Services, pursuant to 44 U.S.C 2107 or 2107 Note, shall be referred by the Archivist to the agency of origin for processing and for direct response to the requests. The Archivist will inform requesters of such referrals.

(7) In the case of requests for documents containing foreign government information, OMSN, if it is also the agency which initially received the foreign government information, shall determine whether the foreign government information in the document may be declassified and released in accordance with agency policies or guidelines, consulting with other agencies of subject matter interest as necessary. If OMSN is not the agency which received the foreign government information, it shall refer the request to the latter agency, which shall take action on the request. In those cases where available agency policies or guidelines do not apply, consultation with the foreign originator through appropriate channels may be advisable prior to final action on the request.

(8) If any agency makes a request on behalf of a member of the public, the request shall be considered as a request by that member of the public and handled accordingly.

(c) *Review.* (1) Within sixty days from its receipt, OMSN shall inform the requestor of the determination of the mandatory review for declassification.

(2) If the determination is to withhold some or all of the material requested, the requestor may appeal the determination. The requestor shall be informed that an appeal must be made in writing within sixty days of receipt of

the denial and should be addressed to the chairperson of the OMSN Classification Review Committee established pursuant to § 2400.52.

(3) No agency in possession of a classified document may, in response to a request for the document made under the Freedom of Information Act (5 U.S.C. 552) or under Section 3–5 of E.O. 12065, refuse to confirm the existence or non-existence of the document, unless the fact of its existence or non-existence would itself be classifiable.

(4) The requestor shall be informed of the appellate determination within thirty days of receipt of the appeal.

(5) In considering requests for mandatory review, OMSN may decline to review again any request for material which has been recently reviewed and denied, except insofar as the request constitutes an appeal under paragraph (f) of this section.

(d) *Processing of Requests.* The processing of requests by OMSN shall be as follows:

(1) The Security Officer or his designee shall record the request, and arrange for search and review of the documents. The documents will be reviewed for declassification in accordance with these regulations or any applicable guidelines. If the documents remain classified and are not to be released, in whole or in part, the reviewing office will also prepare a letter informing the requester as described in paragraph (b)(4) of this section. The letter to the requester shall be signed by the President's Personal Representative for Micronesian Status Negotiations, his Deputy or the Status Liaison Officer. The Security Officer or his designee shall record disposition of the case and forward the letter of denial to the requester.

(2) If any request requires obtaining the views of other agencies, the receiving office shall arrange coordination of review with such other agencies.

(3) When all documents involved in the request are declassified and released, the receiving office will send a release statement, to the requester, and shall inform the requester of any fees due before releasing documents.

(4) In the case of documents of agency origin requested by a Presidential Library on behalf of a member of the public, if there is a partial denial, the letter will advise the requester as described in paragraph (b)(4) of this section, but the requester will be referred to the Archivist for copies of the released document, with portions excised. The receiving office will transmit such documents, with portions marked to be excised, to Archives which will transmit them with portions excised to the Presidential Library for its records and for use in the case of further similar requests.

(5) The Security Officer or his designee shall also coordinate requests from other agencies seeking the views of OMSN as to declassification of documents originated by such other agencies but involving information of primary subject matter interest to OMSN. The Security Officer or his designee will transmit the documents to the reviewing individual for a determination as to declassification and will coordinate the reply of OMSN to the requesting agency.

(e) *Appeals.* (1) The President's Personal Representative for Micronesian Status Negotiations shall receive appeals for denial of documents by OMSN. Such appeals shall be addressed to President's Personal Representative for Micronesian Status Negotiations, Suite 3356, Interior Department Building, Washington, D.C. 20240. The appeal must be received in OMSN within 60 days of the date of the original denial letter or the final release of documents, whichever is later.

(2) Appeals shall be decided within 30 days of their receipt.

(f) *Fees.* (1) Fees for the location and reproduction of information which is the subject of a mandatory review request shall be assessed according to the following schedule:

(i) Search for records: $5.00 per hour when the search is conducted by a clerical employee; $8.00 per hour when the search is conducted by a professional employee. No fee shall be assessed for searches of less than one hour.

(ii) Reproduction of documents: Documents will be reproduced at a rate of $.25 per page for all copying of four pages or more. No fee shall be assessed for reproducing documents which are three pages or less, or for the first three pages of longer documents.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, and the requestor has not indicated in advance a willingness to pay fees as high as are anticipated, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25.00, an advance deposit may be required. Dispatch of such a notice or request shall suspend the running of the period for response by OMSN until a reply is received from the requestor.

(3) Remittance shall be in the form either of a personal check or bank draft on a bank in the United States, or a postal money order. Remittance shall be made payable to Treasurer of the United States and mailed to the address noted in paragraph (b)(1) of this section.

(4) A receipt for fees paid will be provided only upon request. Refund of fees for services actually rendered will not be made.

(5) OMSN may waive all or part of any fee provided for in this section when it is deemed to be in either the interest of OMSN or of the general public.

§ 2400.34 Downgrading authority.

The Secrutiy Officer, OMSN is authorized to downgrade OMSN originated documents after consultation with the staff member who is charged with functional responsibility for the subject matter under question.

Subpart E—Safeguarding

§ 2400.41 General restrictions on access.

(a) *Determination of need-to-know.* Classified information shall be made available to a person only when the possessor of the classified information establishes in each instance, except as provided in Section 4–3 of E.O. 12065, that access is essential to the accomplishment of official Government duties or contractual obligations.

(b) *Determination of Trustworthiness.* A person is eligible for access to classified information only after a showing of trustworthiness as determined by the President's Personal Representative for Micronesian Status Negotiations based upon appropriate investigations in accordance with applicable standards and criteria.

§ 2400.42 Responsibility for safeguarding classified information.

(a) *General Policy.* The specific responsibility for the maintenance of the security of classified information rest with each person having knowledge or physical custody therof, no matter how obtained. The ultimate responsibility for safeguarding classified information rests on each supervisor to the same degree that supervisor is charged with functional responsibility.

(b) *Security and Top Secret Control Officers.* The Director, OMSN, and the Status Liaison Officer, Saipan, are assigned specific security responsibilities as Security Officer and Top Secret Control Officer.

(c) *Handling.* All documents bearing the terms "Top Secret," "Secret" and "Confidential" shall be delivered to the Top Secret Control Officer or his designee immediately upon receipt. All potential recipients of such documents shall be advised of the names of such designees and updated information as

necessary. In the event that the Top Secret Control Officer or his designees are not available to receive such documents, they shall be turned over to the office supervisor and secured, unopened, in a designated combination safe located in OMSN or SLNO, as appropriate until the Top Secret Control Officer is available. All materials not immediately deliverable to the Top Secret Control Officer shall be delivered at the earliest opportunity. Under no circumstances shall classified material that cannot be delivered to the Top Secret Control Officer be stored other than in the designated safe.

(d) *Storage.* All classified documents shall be stored in the designated combination safe or safes located in OMSN or SLNO as appropriate. The combination shall be changed as required by ISOO Directive No. 1, Section IV F (5) (a). The combinations shall be known only to the Security Officer and his designees with the appropriate security clearance.

(e) *Security Education Program.* The Security Officer shall establish a program of briefings to familiarize personnel with the provisions of E.O. 12065 and implementing directives. Such briefings shall be held once per year, or more frequently. Before any new or newly assigned employee enters on duty, he shall be given instruction in sufficient detail in security procedures and practices to inform him of his responsibilities arising from his access to classified data.

(f) *Access by Historical Researchers and Former Presidential Appointees.* In keeping with provisions 4–301 and 4–302 of E.O. 12065, the President's Personal Representative for Micronesian Status Negotiations shall designate appropriate officials to determine, prior to granting access to classified information, the propriety of such action in the interest of national security and assurance of the recipient's trustworthiness and need-to-know.

§ 2400.43 Reproduction controls.

OMSN and SLNO shall maintain records to show the number and distribution of all OMSN originated classified documents. Reproduction of classified material shall take place only in accordance with Section 4–4 of E.O. 12065 and any limitations imposed by the originator. Should copies be made, they are subject to the same controls as the original document. Records showing the number of distribution of copies shall be maintained by the Office Supervisor and the log stored with the original documents. These measures shall not restrict reproduction for the purposes of mandatory review.

§ 2400.44 Administrative sanctions.

Officers and employees of the United States Government assigned to OMSN shall be subject to appropriate administrative sanctions if they knowingly and willingly commit a violation under Section 5–5 of E.O. 12065. These sanctions may include reprimand, suspension without pay, removal, termination of classification authority, or other sanction in accordance with applicable law or the applicable regulations of the agency from which they are assigned to OMSN.

Subpart F—Implementation and Review

§ 2400.51 Information Security Oversight Committee.

The OMSN Information Security Oversight Committee shall be chaired by the Security Officer, OMSN. The Committee shall be responsible for acting on all suggestions and complaints concerning the administration of the OMSN information security program. The chairperson shall also be responsible for conducting an active oversight program to ensure effective implementation of E.O. 12065.

§ 2400.52 Classified Review Committee.

The OMSN Classification Review Committee shall be chaired by the President's Personal Representative for Micronesian Status Negotiations. The Committee shall decide appeals from denials of declassification requests submitted pursuant to Section 3–5 of E.O. 12065. The Committee shall consist of the President's Personal Representative, Department of Defense/Legal Advisor and Political/Economic Advisor.

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OFFICE OF SCIENCE AND TECHNOLOGY POLICY

32 CFR Part 2400

Regulations To Implement E.O. 12065—Office of Science and Technology Information Security Program

AGENCY: Office of Science and Technology Policy.

ACTION: Final rule.

SUMMARY: This Office of Science and Technology Policy regulation is issued to govern the OSTP Information Security Program. It is issued under the authority of, and pursuant to, Executive Order 12065 and Information Security Oversight Office Directive No. 1. It is intended that this regulation will assist the OSTP in classifying, downgrading, declassifying, and safeguarding national security information and will assist the public in obtaining information that may be declassified.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT: William J. Montgomery, Executive Officer, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20500, (202–395–4692).

SUPPLEMENTARY INFORMATION: These regulations have been submitted to the Information Security Oversight Office in accordance with section 5–401 of Executive Order 12065. These regulations involve national security information and are exempt from the procedures of 5 U.S.C. 553

William J. Montgomery,

Executive Officer.

32 CFR Chapter XXIV is amended by adding a new Part 2400 reading as follows:

PART 2400—REGULATIONS TO IMPLEMENT E.O. 12065; OFFICE OF SCIENCE AND TECHNOLOGY POLICY INFORMATION SECURITY PROGRAM

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Authority.—E.O. 12065 and Information Security Oversight Office Directive No. 1.

Subpart A—General Provisions

§ 2400.1 References.

(a) Executive Order 12065 "National Security Information," dated June 28, 1978

(b) Information Security Oversight Office, Directive No. 1, "National Security Information," dated October 2, 1978

§ 2400.2 Purpose.

The purpose of this regulation is to ensure, consistent with the authorities of § 2400.1 that information of the Office of Science and Technology Policy (OSTP) relating to national security is protected from unauthorized disclosure, but only the extent and for such period as is necessary to safeguard the national security.

§ 2400.3 Applicability.

This Regulation governs the Office of Science and Technology Policy Information Security Program. In accordance with the provisions of references (a) and (b) above, it establishes, for uniform application throughout the Office of Science and Technology Policy, the policies and procedures for the security classification, downgrading, declassification and safeguarding of information that is owned by, produced for or by, or under the control of the Office of Science and Technology Policy.

§ 2400.4 Atomic Energy Material.

Nothing in this Regulation supersedes any requirement made by or under the Atomic Energy Act of 1954, as amended. "Restricted Data" and information designated as "Formerly Restricted Data" shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Department of Energy.

Subpart B—Original Classification

§ 2400.5 Basic Policy.

Except as provided in the Atomic Energy Act of 1954, as amended, Executive Order 12065, as implemented by reference (b) and this Regulation, provides the only basis for classifying information. The policy of the Office of Science and Technology Policy is to make available to the public as much information concerning its activities as is possible, consistent with its responsibility to protect the national security. Accordingly, security classification shall be applied only to protect the national security.

§ 2400.6 Level of Original Classification.

Unnecessary classification, and classification at a level higher than is necessary shall be scrupulously avoided. If there is reasonable doubt which designation of security classification in section 1-1 of Executive Order 12065 is appropriate, or whether information or material should be classified at all, the less restrictive designation should be used, or the information should not be classified.

§ 2400.7 Original Classification Authority

Authority for original classification of information as Top Secret shall be exercised within OSTP only by the Director and by such principal subordinate officials having frequent need to exercise such authority as the Director shall designate in writing. The Associate Director for National Security and International Affairs is delegated Top Secret Authority.

§ 2400.8 Limitations on Delegation of Classification Authority.

(a) Delegations of classification authority shall be held to an absolute minimum.

(b) Original classification authority shall not be delegated to OSTP personnel who only quote, restate, extract or paraphrase, or summarize classified information or who only apply classification markings derived from source material or as directed by a classification guide.

(c) Classification authority may not be redelegated.

§ 2400.9 Classification Requirements

Information may be classified *only* if it concerns one or more of the categories cited in Executive Order 12065, as subcategorized below, *and* an official having original classification authority determines that its unauthorized disclosure is presumed, or reasonably could be expected, to cause at least identifiable damage to the national security.

(a) Military plans, weapons or operations;

(b) Foreign government information;

(c) Intelligence activities, sources or methods;

(d) Foreign relations or foreign activities of the United States;

(e) Scientific, technological, or economic matters relating to the national security;

(f) United States Government programs for safe-guarding nuclear materials or facilities; or

(g) Other categories of information which are related to national security and which require protection against unauthorized disclosure as determined by the Director, Office of Science and Technology Policy. Each such determination shall be reported promptly to the Director of the Information Security Oversight Office.

§ 2400.10 Presumption of Damage.

Unauthorized disclosure of foreign government information or the identity of a confidential foreign source is presumed to cause at least identifiable damage to the national security.

§ 2400.11 Classification Prohibitions.

(a) Classification may not be used to conceal violations of law, inefficiency, or administrative error, to prevent embarrassment to a person, organization or agency, or to restrain competition.

(b) Basic scientific research information not clearly related to the national security may not be classified.

(c) A product of non-government research and development that does not incorporate or reveal classified information to which the producer or developer was given prior access may not be classified until and unless the government acquires a proprietary

interest in the product. This prohibition does not affect the provisions of the Patent Secrecy Act of 1952 (35 U.S.C. 181–188).

(d) References to classified documents that do not disclose classified information may not be classified or used as a basis for classification.

(e) Classification may not be used to limit dissemination of information that is not classifiable under the provisions of Executive Order 12065 and this Regulation or to prevent or delay the public release of such information.

(f) No document originated on or after December 1, 1978 may be classified after receipt of a request for the document under the Freedom of Information Act or the Mandatory Review Provisions of this regulation unless such classification is consistent with this Regulation and is authorized by the Director, Office of Science and Technology Policy. Documents originated before December 1, 1978 and subject to such a request may not be classified unless such classification is consistent with this Regulation and is authorized by an official with Top Secret classification authority. Classification authority under this provision shall be exercised personally and on a document-by-document basis.

(g) Classification may not be restored to documents containing information declassified and released to the public under this or prior Regulations.

§ 2400.12 Duration of Classification.

(a) Information shall remain classified only as long as its unauthorized disclosure would result in at least identifiable damage to the national security. Any willful extension beyond that period is a violation of this Regulation. At the time information is classified, it shall be marked with the date or event on which automatic declassification or review for declassification should occur. *Except* as provided in paragraph (c) of this section, this date or event for automatic declassification, or review for declassification, shall be no more than six years from the date of original classification.

(b) Only the Director, OSTP or other Office officials having Top Secret original classification authority may prolong classification for more than six years. Originally classified information that is so designated shall be identified with the authority and reason for the extended classification, as provided in paragraph (c) of this section. In no case shall the date or event for automatic declassification or for review for declassification be set at more than 20 years, except that foreign government information may be classified for up to 30 years prior to declassification or review. Earlier dates for declassification or review shall be set whenever possible.

(c) Classification may be prolonged for more than six years only by officials designated as original Top Secret classification authorities. This authority shall be used only when such officials determine that the two conditions specified in § 2400.9 for original classification will continue throughout the entire period the classification will be in effect and only for the following reasons:

(1) The information is "foreign government information" as defined in references (a) and (b);

(2) The continuing protection of the information is specifically required by statute;

(3) The continuing protection of the information is essential to the national security because it reveals intelligence sources or methods which if lost cannot be regained or replaced promptly;

(4) The continuing protection of the information is essential to the national security because it pertains to communications security;

(5) The information reveals vulnerability or capability data the unauthorized disclosure of which can reasonably be expected to result in nullifying the effectiveness of a system, installation or project important to the national security;

(6) The information concerns plans important to national security the unauthorized disclosure of which can reasonably be expected to result in nullifying the effectiveness of the plan itself or impeding its orderly implementation;

(7) The information concerns specific foreign relations matters the continued protection of which is essential to the national security; or

(8) Disclosure of the information would place a person in immediate jeopardy.

§ 2400.13 Effect of Open Publication.

Appearance in the public domain of information currently classified or being considered for classification does not preclude initial or continued classification; however, such disclosures require immediate reevaluation of the information to determine whether the publication has so compromised the information that downgrading or declassification is warranted. Similar consideration must be given to related items of information in all programs, projects or items incorporating or pertaining to the compromised items of information. In these cases, if the release is shown to have been made or authorized by an official of the Executive Branch authorized to declassify and release such information. In these cases, if the release is shown to have been made or authorized by an official of the Executive Branch authorized to declassify and release such information, classification of clearly identified items shall no longer be continued. However, holders should continue classsification until advised to the contrary by a competent Government authority. Questions on the propriety or continued classification of information which has appeared in open publication should be referred to the Executive Officer, Office of Science and Technology Policy for further referral to the Agency having primary responsibility over the subject matter.

§ 2400.14 Challenges to Classification.

(a) Holders of classified information are encouraged to challenge classification in cases where there is reasonable cause to believe that information is classified unnecessarily, improperly or for an inappropriate period of time. They should discuss the matter with their immediate superiors or the classifier of the information. If these discussions do not satisfy the concerns of the challenger, the matter should be brought to the attention of the Executive Officer who shall, within 30 days, resolve the question of classification with the original classification authority and provide notification to the challenger of the results. When requested anonimity of the challenger shall be preserved.

(b) The fact that an employee of the Office of Science and Technology Policy has issued a challenge to classification shall not in any way result in or serve as a basis for adverse personnel action.

Subpart C—Derivative Classification

§ 2400.15 Definition and application.

Derivative classification is the act of assigning a level of classification to information that is determined to be the same in substance as information that is currently classified. Derivative application of classification markings is a responsibility of those who incorporate, paraphrase, restate, or generate in new form, information which is already classified or those who apply markings in accordance with guidance from an original classification authority. Persons who apply derivative clssifications should take care to determine whether their paraphrasing, restating, or summarizing of classified information has removed all or part of the basis for classification. Thus,

derivative classification may be accomplished by any person cleared for access to that level of information regardless of whether the person has original classification authority at that level. Persons who apply such derivative classification markings shall:

(a) Respect original classification decisions;

(b) Verify the information's current level of classification so far as practicable before applying the markings; and

(c) Carry forward to any newly created documents the assigned dates or events for declassification or review and any additional authorized markings. Where checks with originators or other appropriate inquiries show that no classification or a lower classification than originally assigned is appropriate, the information shall be marked accordingly.

§ 2400.16 Classification guides.

(a) OSTP shall issue and maintain classification guides to facilitate the proper and uniform classification of information. These guides shall be used to direct derivative classification.

(b) The classification guides shall be approved, in writing, by the Director or by officials having Top Secret original classification authority. Such approval constitutes an original classification decision.

(c) Each classification guide shall specify the information subject to classification in sufficient detail to permit its ready and uniform identification and shall set forth the classification level and duration in each instance as well as, where applicable, justification for any extension beyond six years.

(d) The classification guides shall be kept current and shall be fully reviewed at least every two years.

§ 2400.17 Distribution of classification guides.

The Executive Officer, Office of Science and Technology Policy shall receive and maintain the record copy of all approved classification guides and changes thereto. He will assist the originator in determining the required distribution.

Subpart D—Declassification and Downgrading

§ 2400.18 Policy.

Declassification of information shall be given emphasis comparable to that accorded classification. Information classified pursuant to Executive Order 12065 and prior orders shall be declassified as early as national security considerations permit. Decisions concerning declassification shall be based on the loss of sensitivity of the information with the passage of time or on the occurance of an event which permits declassification. When information is reviewed for declassification pursuant to this regulation, that information shall be declassified unless the designated declassification authority determines that the information continues to meet the classification requirements prescribed in § 2400.9 despite the passage of time.

§ 2400.19 Declassification and downgrading authority.

Authority to declassify and downgrade information classified under the provisions of references (a) and (b) shall be exercised by officials designated to exercise original classification. Further, the Director, Office of Science and Technology Policy shall designate additional officials at the lowest practicable echelons of supervision to exercise declassification and downgrading authority over classified information in their functional areas of interest.

§ 2400.20 Exceptional cases.

It is presumed that information that continues to meet the classification requirements of Subpart B requires continued protection. In some cases, however, the need to protect such information may be outweighed by the public interest in disclosure of that information and in such cases the information should be declassified. When such questions arise concerning Office of Science and Technology Policy information, they shall be referred to the Director, Office of Science and Technology Policy, the Executive Officer of Science and Technology Policy acting as the official with responsibility for processing Freedom of Information Act requests or Mandatory Review requests under § 2400.24, an official with Top Secret classification authority, or in cases of classified Presidential information the Archivist of the United States. That Official, after consultation with other agenices having interest, shall determine whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure and, if so, declassify the information.

§ 2400.21 Declassification by the Director of the Information Security Oversight Office.

If the Director of the Information Security Oversight Office (ISOO) determines that information is classified in violation of Executive Order 12065, the Director, ISOO may require the activity that originally classified the information to declassify it. Any such decision by the Director, ISOO may be appealed through the Director, Office of Science and Technology Policy to the National Security Council. The information shall remain classified until the appeal is decided or until one year from the date of the determination by the Director, ISOO whichever comes first.

§ 2400.22 Systematic review for declassification.

The Director, Office of Science and Technology Policy shall designate experienced personnel to assist the Archivist of the United States in the systematic review of twenty-year old U.S. originated information and thirty-year-old foreign government information accessioned into the National Archives of the United States, and conduct systematic declassification review of twenty-year old classified information in the possession and control of the Office of Science and Technology Policy. Such personnel shall:

(a) Provide guidance and assistance to National Archives employees in identifying and separating documents and specific categories of information within documents that are deemed to require continued classification;

(b) Submit to the Director, Office of Science and Technology Policy recommendations for, (1) continued classification that identify documents or specific categories of information so separated, and, (2) referrals to other agencies having classification jurisdiction over the information or material for resolution.

§ 2400.23 Systematic review guidelines and procedures.

(a) The Executive Officer, Office of Science and Technology Policy shall develop, in coordination with Office of Science and Technology Policy original classification authorities, guidelines for the systematic review for declassification of information under Office of Science and Technology Policy jurisdiction that has been classified twenty years or more (thirty years for foreign government information). The Director, Office of Science and Technology Policy, after consultation with the Archivist of the United States, shall promulgate these guidelines providing copies to the Information Security Oversight Office.

(b) All Office of Science and Technology Policy classified information transferred to the General Services Administration for accession into the Archives of the United States that is

permanently valuable and more than twenty years old will be systematically reviewed for declassification by the Archivist of the United States with the assistance of the Office of Science and Technology Policy personnel designated for the purpose pursuant to § 2400.22. Such information shall be downgraded or declassified by the Archivist of the United States in accordance with Executive Order 12065, the directives of the Information Security Oversight Office, and Office of Science and Technology Policy guidelines.

(c) All twenty-year old Office of Science and Technology Policy classified permanent records that are in the possession or control of Office of Science and Technology Policy shall be systematically reviewed for declassification by personnel designated pursuant to § 2400.22. Classified nonpermanent records that are scheduled to be retained for more than twenty years need not be systematically reviewed but shall be reviewed for declassification upon request.

(d) The Director, Office of Science and Technology Policy shall determine personally and in writing which category(ies) of information shall remain classified and the date for automatic declassification or subsequent review. The Archivist of the United States shall be notified in writing of this decision.

(e) Classified information over which Office of Science and Technology Policy does not exercise exclusive or final original classification authority may be declassified only in accordance with the systematic review guidelines, promulgated pursuant to reference (b), of the agency responsible for the classification. If such guidelines are not available or authorized for use by Office of Science and Technology Policy personnel, the information shall be referred to the responsible agency.

§ 2400.24 Mandatory review for declassification.

(a) A mandatory review for declassification under Section 3–501 of Executive Order 12065 shall be initiated upon receipt of a request by a member of the public or a government employee or agency to declassify and release information. Requests shall be in writing and reasonably describe the information sought to enable the Office of Science and Technology Policy to identify documents containing that information. Requests should be addressed to:

Executive Officer,
Office of Science and Technology Policy,
Executive Office of the President,
Washington, D.C. 20500.

(b) The Executive Officer, Office of Science and Technology Policy shall inform the requestor of the date and receipt of the request. This date will be the basis for the time limits specified in paragraph (d) of this section.

(c) If the request does not reasonably describe the information sought to allow identification of documents containing such information, the requestor shall be notified that unless additional information is provided or the request is made more specific, no further action will be taken.

(d) The requestor shall be informed of the Office of Science and Technology Policy determination within sixty days of receipt of the original request (or within sixty days of the receipt of the required amplifying information in accordance with paragraph (c) of this section).

(e) If the information may not be released in whole or in part, the requestor shall be given a brief statement as to the reasons for denial, and notice of the right to appeal the determination in writing within sixty days to the chairperson of the Office of Science and Technology Policy Review Committee. If appealed, the requestor shall be informed of the appellate determination within thirty days of receipt of the appeal.

(f) When a request is received for information classified by another agency, the Executive Officer, Office of Science and Technology Policy shall:

(1) Forward the request to such agency for review together with a copy of the document containing the information requested, where practicable, and where appropriate, with the Office of Science and Technology Policy recommendation to withhold or declassify and release any of the information;

(2) Notify the requestor of the referral unless the agency to which the request is referred objects to such notice on grounds that its association with the information requires protection; and

(3) Request, when appropriate that the agency notify the Office of Science and Technology Policy of its determination.

(g) If the request requires the rendering of services for which fees may be charged under Title 5 of the Independent Offices Appropriation Act, 31 U.S.C. 483a the Executive Officer, Office of Science and Technology Policy may calculate the anticipated amount of fees to be charged.

(1) Fees for the location and reproduction of information that is the subject of a mandatory review request shall be assessed according to the following schedule:

(i) Search for records. $5.00 per hour when the search is conducted by a clerical employee; $8.00 per hour when the search is conducted by a professional employee. No fee shall be assessed for searches of less than one hour.

(ii) Reproduction of documents. Documents will be reproduced at a rate of $.25 per page for all copying of four pages or more. No fee shall be assessed for reproducing documents that are three pages or less, or for the first three pages of longer documents.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requestor has not indicated in advance a willingness to pay fees as high as are anticipated, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. Dispatch of such a notice or request shall suspend the running of the period for response by OSTP until a reply is received from the requestor.

(3) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasury of the United States and mailed to the Executive Officer, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20500.

(4) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(5) If a requestor fails to pay within thirty days for services rendered, further action on any other requests submitted by that requestor shall be suspended.

(6) The Executive Officer, Office of Science and Technology Policy may waive all or part of any fee provided for in this section when it is deemed to be in either the interest of the OSTP or the general public.

§ 2400.25 Prohibition.

In response to a request under the Feeedom of Information Act or this Section, the Office of Science and Technology Policy, if in possession of a document, shall not refuse to confirm the existence or non-existence of the document, unless the fact of its existence or non-existence would itself be classified under this Regulation.

§ 2400.26 Downgrading.

(a) When it will serve a useful purpose, original classification authorities may, at the time of original classification, specify that downgrading

of the assigned classification will occur on a specified date or upon the occurrence of a stated event.

(b) Classified information marked for automatic downgrading is downgraded accordingly without notification to holders.

(c) Classified information not marked for automatic downgrading may be assigned a lower classification designation by the originator or by an official authorized to declassify the same information. Prompt notice of such downgrading shall be provided to known holders of the information.

Subpart E—Identification and Marking

§ 2400.27 Designation.

Subject to the exception in § 2400.28, information determined to require classification protection under the provisions of this Regulation shall be so designated. Designation by physical marking, notation, or other means serves to warn the holder about the classification of the information involved; to indicate the degree of protection that is required; and to facilitate downgrading and declassification actions.

§ 2400.28 Exception.

No article which has appeared, in whole or in part, in newspapers, magazines or elsewhere in the public domain, or any copy thereof, that is being reviewed and evaluated to compare its content with classified information that is being safeguarded in the Office of Science and Technology Policy by security classification, may be marked with any security classification, control or other kind of restrictive marking. The results of the review and evaluation, if classified, shall be separate from the article in question.

§ 2400.29 Identification and marking.

(a) At the time of classification, the following shall be shown on the face of originally or derivatively classified documents:

(1) the identity of the original classification authority, or a source document or classification guide. If classification is derived from more than one source, the phrase "multiple sources" will be shown and the identification of each source will be maintained with the file or record copy of the document;

(2) The office of origin;

(3) The date of classification;

(4) The overall classification of the document;

(5) The date or event for automatic declassification or for review for declassification;

(6) Documents classified for more than six years shall also be marked with the identity by title of the TOP SECRET classification authority who authorized prolonged classification, unless that official also is the signer or approver, and annotated with the reasons the classification is expected to remain necessary despite the passage of time; and

(7) Any downgrading action to be taken and the date thereof.

(b) The overall classification of a document, whether or not permantly bound, or any copy or reproduction thereof, shall be conspicuously marked, stamped or affixed permanently at the top and bottom on the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any). Each interior page shall be marked top and bottom according to its content. Alternatively, the overall classification of the document may be conspicuously marked or stamped at the top and bottom of each interior page when such marking is necessary to achieve production efficiency and particular information to which classification is assigned is otherwise sufficiently identified consistent with the intent of § 2400.29(c). In any case, the classification marking of a page shall not supersede the classification marking of portions (§ 2400.29(c)) of the page marked with lower levels of classification.

(c) Each section, part, paragraph, subparagraph, or similar portion of a classified document shall be marked to show the level of classification of the information contained in or revealed by it, or that it is unclassified. Portions of documents shall be marked in a manner that eliminates doubt as to which of its portions contains or reveals classified information.

Supart F—Safeguarding

§ 2400.30 Access

(a) No person may have access to classified information unless that person has been determined to be trustworthy and unless access is necessary for the performance of official duties. A personnel security clearance is an indication that the trustworthiness decision has been made. Procedures shall be established by the head of each office to prevent unnecessary access to classified information. There shall be a demonstrable need for access to classified information before a request for a personnel security clearance can be initiated. The number of people cleared and granted access to classified information shall be maintained at the minimum number that is consistent with operational requirements and needs. No one has a right to have access to classified information solely by virtue of rank or position. The final responsibility for determining whether an individual's official duties require possession of or access to any element or item of classified information, and whether the individual has been granted the appropriate security clearance by proper authority, rests upon the individual who has authorized possession, knowledge, or control of the information and not upon the prospective recipient. These principles are equally applicable if the prospective recipient is an organizational entity, other Federal Agencies, contractors, foreign governments, and others.

(b) When access to a specific classification category is no longer required for the performance of an individual's assigned duties, the security clearance will be administratively adjusted, without prejudice to the individual, to the classification category, if any, required.

§ 2400.31 Access by historical researchers and former Presidential appointees.

Classified information may be made available to historical researchers and former Presidential appointees. The Director, Office of Science and Technology Policy shall determine, prior to the release of classified information, the propriety of such action in the interest of national security and assurance of the recipient's trustworthiness and need-to-know. Access will be limited to specific categories of information over which the Office of Science and Technology Policy has classification jurisdiction. OSTP shall maintain custody of classified information and obtain the recipient's written agreement to safeguard the information and to authorize a review of any notes and manuscript for determination that no classified information is contained therein.

§ 2400.32 Storage of classified information.

Whenever classified information is not under the personal control and observation of an authorized person, it will be guarded or stored in a locked security container approved for the storage and protection of the appropriate level of classified information.

§ 2400.33 Dissemination of classified information.

Heads of OSTP offices shall establish procedures consistent with this Regulation for the dissemination of

classified material. The originating official may prescribe specific restrictions on dissemination of classified information when necessary.

§ 2400.34 Accountability and control.

(a) Each item of Top Secret and Secret information is subject to control and accountability requirements. Confidential information normally is not formally controlled in OSTP, however, it still must be properly safeguarded. Confidential information may be controlled when, in the judgment of the originator or recipient, it requires stringent access or accountability controls. Department of State material designated "LIMITED OFFICIAL USE" will be handled as Confidential information.

(b) The Security Officer will serve as Top Secret Control Officer (TSCO) for the Office of Science and Technology Policy and will be responsible for the supervision of the Top Secret control program. He will be assisted by an Assistant Top Secret Control Officer to effect the Controls prescribed herein for all Top Secret material.

(c) Records shall be maintained to show the number and distribution of reproduced copies of all Top Secret documents, of all classified documents covered by special access programs, and of all Secret and Confidential documents which are marked with special dissemination and reproduction limitations.

(d) Top Secrets Documents and material will be accounted for by a continuous chain of receipts.

(e) The Security Officer will develop procedures for the accountability and control of Secret information.

§ 2400.35 Reproduction of classified information.

Documents or portions of documents and materials that contain Top Secret information shall not be reproduced without the consent of the originator or higher authority. Any stated prohibition against reproduction shall be strictly observed. Copying of documents containing classified information at any level shall be minimized. Specific reproduction equipment shall be designated for the reproduction of classified information and rules for reproduction of classified information shall be posted on or near the designated equipment. Notices prohibiting reproduction of classified information shall be posted on equipment used only for the reproduction of unclassified information. All copies of classified documents reproduced for any purpose including those incorporated in a working paper are subject to the same controls prescribed for the document from which the reproduction is made.

Subpart G—Foreign Government Information

§ 2400.36 Classification.

(a) Foreign government information classified by a foreign government or international organization of governments shall retain its original classification designation or be assigned a United States classification designation that will ensure a degree of protection equivalent to that required by the government or organization that furnished the information. Original classification authority is not required for this purpose.

(b) Foreign government information that was not classified by a foreign entity but was provided with the expectation, expressed or implied, that it be held in confidence must be classified because Executive Order 12065 (reference (a)) states a presumption of a least identifiable damage to the national security in the event of unauthrorized disclosure of such information.

§ 2400.37 Duration of Classification.

(a) Foreign government information is exempt from the automatic declassification and twenty year systematic review requirements of Subpart D.

(b) Foreign government information shall not be assigned a date or event for automatic declassification unless specified or agreed to by the foreign entity.

(c) Foreign government information classified on or after December 1, 1978 shall be assigned a date for review for declassification at thrity years from the time the information was originated by the foreign entity, or acquired or classified by the Office of Science and Technology Policy, whichever is earlier.

§ 2400.38 Declassification.

In weighing the need to protect information against the possible public interest in disclosure as prescribed in § 2400.20, officials shall respect the intent of this Regulation to protect foreign government information and confidential foreign sources.

§ 2400.39 Mandatory Review.

Requests for mandatory review for declassification of foreign government information shall be processed and acted upon in accordance with the provisions of Subpart D of this part, except that foreign government information will be declassified only in accordance with the guidelines developed for such purpose and after necessary consultation with other government agencies with subject matter interest. In cases where these guidelines cannot be applied to the foreign government information requested, or in the absence of such guidelines, consultation with the foreign originator through appropriate channels normally should be effected prior to final action on the request. When the responsible OSTP official is knowlegeable of the foreign originator's view toward declassification or continued classification of the types of information requested, consultation with the foreign originator may not be necessary.

§ 2400.40 Protection of Foreign Government Information.

Classified foreign government information shall be protected as is prescribed by this Regulation for United States classified information of a comparable level.

Subpart H—Security Education

§ 2400.41 Responsibility and Objectives.

The OSTP Security Officer shall establish a security education program for OSTP personnel. The program shall stress the objectives of classifying less information, declassifying more, and improving protection of information that requires it while maintaining the interest of the Government in protecting the national security.

Subpart I—Office of Science and Technology Policy Information Security Program Management

§ 2400.42 Responsibility.

The Director, OSTP is the senior OSTP official having authority and responsibility to ensure effective and uniform compliance with and implementation of Executive Order 12065 and its implementing Directive (references (a) and (b)). As such, the Director, OSTP shall have primary responsibility for providing guidance, oversight and approval of policy and procedures governing the OSTP Information Security Program. The Director, OSTP may approve waivers or exceptions to the provisions of this Regulation to the extent such action is consistent with references (a) and (b).

§ 2400.43 Office Review Committee.

The Office of Science and Technology Policy Review Committee (hereinafter referred to as the Office Review Committee) is hereby established and will be responsible for the continuing review of the administration of this Regulation with respect to the

classification and declassification of information or material originated or held by the Office of Science and Technology Policy. The Office Review Committee shall be composed of the Associate Director, National Security and International Affairs who shall serve as Chairperson, the Associate Director, National Resources and Commercial Sciences, and the Security Officer.

§ 2400.44 Security Officer.

Under the general direction of the Director, the Executive Officer will serve as the Security Officer and will supervise the administration of this Regulation. He will develop programs, in particular a Security Education Program, to insure effective compliance with and implementation of the Information Security Program. Specifically he also shall:

(a) Maintain a current listing by title and name of all persons who have been designated in writing to have original Top Secret, Secret, and Confidential Classification authority. Listings will be reviewed by the Director on an annual basis.

(b) Maintain the record copy of all approved OSTP classification guides.

(c) Maintain a current listing of OSTP officials designated in writing to have declassification and downgrading authority.

(d) Develop and maintain systematic review guidelines.

§ 2400.45 Heads of Offices.

The Associate Director of each unit is responsible for the administration of this Regulation within his area. These responsibilities include:

(a) Insuring the national security information is properly classified and protected;

(b) Exercising a continuing review to downgrade and declassify information;

(c) Issuing appropriate internal security instructions and maintaining the prescribed control and accountability records on classified information under their jurisdiction.

§ 2400.46 Custodians.

Custodians of classified material shall be responsible for providing protection and accountability for such material at all times and particularly for locking classified material in approved security equipment whenever it is not in use or under direct supervision of authorized persons. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

[FR Doc. 79-27441 Filed 8-31-79; 8:45 am]

BILLING CODE 3170-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 1 and 109

[CGD 79-096]

Anchorage Grounds, Special Anchorages and Drawbridges; Delegation of Authority

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Under procedures that are presently in effect, the Coast Guard issues a number of routine, non-significant regulations governing anchorages and drawbridges through the Office of the Commandant. As these are matters of local concern that may be processed more effectively and expeditiously at the district level, this rulemaking delegates authority for their issuance to the commanders of each of the twelve Coast Guard districts.

EFFECTIVE DATE: This amendment is effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems (G-WLE/83), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-1934.

SUPPLEMENTARY INFORMATION: Sections 471, 180, 258, and 322 of Title 33, United States Code authorize the Secretary of Transportation to issue regulations establishing anchorage grounds and special anchorage areas. Section 499 of the same Title confers similar authority upon the Secretary for the operation of drawbridges. In § 1.46(c) of Title 49, Code of Federal Regulations, the authority contained in all of these statutory provisions has been delegated to the Commandant of the Coast Guard. Section 1.45(b) of Title 49, Code of Federal Regulations enables the Commandant to redelegate this authority within the Coast Guard.

In the past, requests for the issuance of anchorage and drawbridge regulations, accompanied by factual and statistical information, have been submitted by the Coast Guard districts to Coast Guard Headquarters, where proposed and final rulemaking documents have been prepared. Occasionally information submitted must be clarified for Headquarters personnel, creating some delay in the issuance of regulations. As anchorages and drawbridges are essentially matters of local import, the Coast Guard feels that most regulations concerning them should be issued by district officials, who are better able to respond to the needs of the public in the areas where they serve.

Despite this delegation of authority, not every anchorage and drawbridge regulation may be issued at the district level. The Commandant remains obligated to issue any of these which are deemed "significant" under the Department of Transporation's Regulatory Policies and Procedures published in the **Federal Register** on February 26, 1979 (44 FR 11034). A drawbridge or anchorage regulation may conceivably be found significant under that document if it: (1) concerned a matter on which there is substantial public interest or controversy; (2) had a major impact on another Administration, Department, or Agency of the Federal government; (3) had a substantial effect on State and local governments; or (4) had a substantial impact on a major transportation safety problem. Given the magnitude of these criteria, very few anchorage and drawbridge regulations are likely to be found significant.

In addition, the Commandant has reserved the authority to issue any anchorage or drawbridge regulations that have been shown to raise substantial issues concerning the reasonable needs of navigation. The Coast Guard has found that inquiries and complaints from members of Congress and the public are frequently addressed to Coast Guard Headquarters over matters of this nature. A concomitant need often arises to coordinate these matters with local authorities. The Coast Guard feels that it will be in a better position to accommodate the concerns of these diverse interest groups by retaining issuing authority for these regulations at the Headquarters level.

The Commandant has also reserved the authority to issue any anchorage or drawbridge regulations which have been shown to generate controversy on a matter of importance to a particular locality. This has been undertaken in order that decision-making authority may be vested in a position that is suitably removed from the actual point of controversy. The Coast Guard feels that this will allow all necessary determinations to be made with the greatest degree of objectivity.

Drafting Information

The principal persons involved in the drafting of this delegation are: Mr. D. W.

Ziegfeld, Project Manager, Office of Marine Environment and Systems, and Mr. Coleman Sachs, Project Attorney, Office of Chief Counsel.

Discussion

Three of the general provisions pertaining to anchorages in 33 CFR Part 109 have been revised to reflect this delegation of authority.

This rulemaking has been reviewed under the Department of Transportation's Regulatory Policies and Procedures of February 26, 1979 (44 FR 11034) and is considered to be non-significant. It has been further determined that the expected economic impact is so minimal that it does not warrant the preparation of a full economic evaluation.

As this action is solely concerned with agency practice and procedure, it is exempted from the provisions of 5 U.S.C. 553. Notice and the opportunity for public participation in this rulemaking have therefore not been provided.

In consideration of the foregoing, Parts 1 and 109 of Title 33 of the Code of Federal Regulations are amended as follows:

1. By revising paragraph (c) and by adding new paragraphs (g) and (h) to § 1.05–1 in Part 1 to read as follows:

§ 1.05–1 General.

* * * * *

(c) The Commandant redelegates to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to:

(1) Grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and Part 26 of this chapter.

* * * * *

(g) Except for those matters specified in paragraph (h) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the following:

(1) The establishment and disestablishment of anchorage grounds and special anchorage areas.

(2) Changes to the anchorage regulations.

(3) The operation of drawbridges.

(h) The Commandant reserves authority to issue any rules and regulations specified in paragraph (g) of this section which:

(1) Are determined to be significant in accordance with the Department of Transportation's Regulatory Policies and Procedures, as published in the **Federal Register** on February 26, 1979, (44 FR 11034);

(2) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(3) Have been shown to generate controversy on an issue of importance to a particular locality.

2. By revising paragraph (b) of § 109.01 in Part 109 to read as follows:

§ 109.01 Purpose.

* * * * *

(b) There were transferred to and vested in the Secretary of Transportation by subsection 6(g) of the Department of Transportation Act (sec. 6(g), 80 Stat. 941, 49 U.S.C. 1655) all functions, powers, and duties of the Secretary of the Army under specified laws. The Secretary of Transportation by Department of Transportation Order 1100.1 (49 CFR 1.4(a)(3)), with specified limitations, delegated to the Commandant, U.S. Coast Guard, authority to exercise the functions, powers, and duties of the Secretary with respect to anchorages, as further described in § 110.1 of this subchapter. The Commandant redelegated this authority to each Coast Guard District Commander with specified limitations, as set forth in § 1.05–1(g) of this Title.

3. By revising paragraphs (a) and (b) of § 109.05 in Part 109 to read as follows:

§ 109.05 Anchorage grounds.

(a) Section 7 of the River and Harbor Act of March 4, 1915 (33 U.S.C. 471), authorizes the establishment of anchorage grounds for vessels in navigable waters of the United States whenever it is apparent that these are required by the maritime or commercial interests of the United States for safe navigation. The statute also authorizes the adoption of suitable rules and regulations regarding the establishment of anchorage grounds, which are enforced by the Coast Guard. The authority conferred by this statute was transferred to and vested in the Secretary of Transportation by sections 6(g)(1)(A) of the Department of Transportation Act (80 Stat. 931) and delegated to the Commandant of the U.S. Coast Guard in section 1.46 of Title 49, Code of Federal Regulations, and redelegated, with specified limitations, by the Commandant to each Coast Guard District Commander in § 1.05–1(g) of this Title.

(b) District Commanders will, whenever matters relating to the anchorage of vessels are under consideration, ascertain the view of the District and Division Engineer, Corps of Engineers, U.S. Army, and the proper representatives of other departments likely to be interested, including the Commandant of the Naval District concerned and the medical officer in charge of the quarantine station at localities where quarantine anchorages are involved, in order that they may arrange for suitable representation at such hearings. The views of the medical officer in charge of the quarantine station relating to the proposed location and boundaries of the quarantine anchorage will be accepted insofar as practicable and consistent with the establishment of other anchorage areas. (An Act of Congress approved July 1, 1944, as amended (42 U.S.C. 267), authorizes the Surgeon General, with the approval of the Secretary of Health, Education, and Welfare, to designate the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station.) A notice of public hearing concerning changes to the Anchorage Regulations will be issued by the District Commander and will be mailed to all known interested parties. After providing an opportunity for public participation, the District Commander will, if circumstances so warrant, issue changes to the Anchorage Regulations, or in appropriate cases forward recommendations for such changes to the Commandant.

4. By revising § 109.10 in Part 109 to read as follows:

§ 109.10 Special anchorage areas.

An Act of Congress of April 22, 1940, provides for the designation of special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, will not be required to carry or exhibit anchorage lights. Such designation is to be made after investigation, by rule, regulation, or order, the procedure for which will be similar to that followed for anchorage grounds under section 7 of the River and Harbor Act of March 4, 1915, as referred to in § 109.05. The areas so designated should be well removed from the fairways and located where general navigation will not endanger or be endangered by unlighted vessels. The authority to designate special anchorage areas was transferred to and vested in the Secretary of Transportation by sections 6(g)(1)(D) of the Department of Transportation Act (80 Stat. 931) and delegated to the Commandant of the U.S. Coast Guard in Title 49, Code of Federal Regulations and redelegated, with specified limitations, by the Commandant to each Coast Guard District Commander in § 1.05–1(g) of this Title.

(33 U.S.C. 471, 180, 258, 322, and 499; 49 CFR 1.46(c) and 1.45(b))

Dated: August 10, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard Acting Commandant.

[FR Doc. 79-27446 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD9-79-01R]

Safety Zone—Vicinity of Crisp Point Light (Great Lakes Light List #1666)

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Sefety Zone Regulations establishes the area in the vicinity of CRISP POINT LIGHT, EASTERN LAKE SUPERIOR, as a safety zone. This safety zone is established to safeguard the U.S. Army Corps of Engineers Derrick COLEMAN and to allow salvage operations to take place.

DATES: This amendment is effective on July 26, 1979 and remains effective until the completion of the operation on or about August 20, 1979.

FOR FURTHER INFORMATION CONTACT: LT. D. P. FORTUNE, c/o Commanding Officer, U.S. Coast Guard Captain of the Port, 337 Water St., Sault Ste. Marie, MI 49783 Tel: (906) 635-5495.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because public procedures on this amendment are impractical.

DRAFTING INFORMATION: The principal person involved in the drafting of the rulemaking is LT. D. P. FORTUNE, COTP Officer, U.S. Coast Guard, Captain of the Port, 337 Water Street, Sault Ste. Marie, MI 49783.

In consideration of the above, Part 165 of Title 33 of the Code of Federal Regulations is amended by adding § 165.949 to read as follows:

§ 165.949 Vicinity, Crisp Point Light (Great Lakes Light List Number 1666), Eastern Lake Superior.

The area enclosed by the following boundary is a safety zone—a 1000 foot radius around U.S. Army Corps of Engineers Derrick COLEMAN in a four point mooring at a position 46 49' N latitude 85 17' E longitude, 8200 yards 359 degrees true from Crisp Point Light.

(92 Stat. 1475 (33 U.S.C. 1225); 49 CFR 1.46(n)(4)).

Dated: July 24, 1979.

Joseph H. Wubbold,

Captain, U.S. Coast Guard Captain of the Port Sault Ste. Marie, MI.

[FR Doc. 79-27447 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 209

Shipping Safety Fairways and Anchorages, Gulf of Mexico

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is hereby amending the regulations which establish the Galveston Entrance Fairway and Anchorage Areas in the Gulf of Mexico. The purpose of the amendment is to facilitate the production and movement of oil and gas from wells located within the anchorage areas and surrounding area by permitting pipeline construction.

DATE: Effective on 15 September 1979.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard (202) 693-5070.

SUPPLEMENTAL INFORMATION: Shipping safety fairways and anchorages have been established by the Department of the Army to control the erection of structures in shipping approaches to major coastal ports. Department of the Army permits are required for the construction of any structure in or over any navigable water of the United States pursuant to Section 10 of the River and Harbor Act of 1899 and for artificial islands and fixed structures located on the outer continental shelf in accordance with Section 4(e) of the Outer Continental Shelf Lands Act Amendments of 1953. The Corps in effect established the fairways and anchorages by denying permits for the erection of structures within certain designated areas. The Galveston Fairway and Anchorage Areas were established in 33 CFR 209.135 on 18 December 1968.

The Galveston District Engineer has received an application for a permit to construct a pipeline extending from the Galveston Anchorage Area across the Galveston Fairway and East Anchorage Area. Inasmuch as the District Engineer has an established policy that prohibits crossing anchorage areas with pipelines, the Corps is deleting a small portion of the anchorages at the southerly boundaries to facilitate the pipelines. The seaward boundary of the triangular easterly anchorage area is relocated landward about 5 nautical miles, truncating the anchorage area to a more practical quadrangular shape. The seaward boundary of the westerly anchorage is relocated landward approximately 0.5 nautical mile. The pipelines are required to accommodate the production and transmission of vitally needed oil and natural gas. The Corps will continue to restrict the erection of platforms and other structures within the two areas deleted from the anchorage areas.

This amendment was published in the Notice of Proposed Rulemaking Section of the Federal Register on 15 June 1979 (44 FR 34519) with the comment period expiring on 16 July 1979. The U.S. Coast Guard has expressed no objection to the proposed amendment provided the Corps maintains the restriction on structures within the areas deleted. Comments were received from the following:

Supporters

Exxon Company, U.S.A.
United Gas Pipeline Company
Kerr-McGee Corporation
Tennessee Gas Pipeline Company
Mitchell Energy Corporation
Columbia Gulf Transmission Company
Mr. Roy Butler
Northern Natural Gas Company
Texas Gas Transmission Corporation
Texas Eastern Transmission Corporation
Transcontinental Gas Pipeline Corporation
Natural Gas Pipeline Corporation of America
Interstate Natural Gas Association of America
Trunkline Gas Company
Offshore Operators Committee
Texaco, Inc.
Southern Gas Association
Gulf Oil Exploration and Production Company
Shell Oil, Inc.
Southern Natural Gas Company

Objectors

New Orleans Steamship Association
American Institute of Merchant Shipping
West Gulf Maritime Association
Council of American Flag Ship Operators
American Pilots Association
Sea-Land Services, Inc.

Summary of Objections

Opposition has been expressed to any change which would predetermine the findings of the U.S. Coast Guard in that Agency's ongoing studies required by the Ports and Waterways Safety Act of 1978 (P.L. 95-474). The Corps has coordinated this action with the Coast Guard and by continuing the prohibition

on surface structures has eliminated this concern.

Several objectors expressed concern about the holding quality of the bottom in the anchorage area and feel the area presently is inadequate to accommodate the 50 to 60 ships which are at times using the area. The Corps has concluded that reducing the anchorage area by approximately 9.0 square nautical miles or six percent will not have a significant or critical effect on the capacity of the anchorage area.

Accordingly, the Department of the Army is hereby amending the regulations in 33 CFR 209.135 by revising (d)(11) only as set forth below:

209.135 Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico

* * * * *

(d) The areas.

* * * * *

(11) Galveston Entrance Anchorage Areas. The areas inclosed by rhumb lines joining points at:

Latitude	*Longitude*
29°18'10"	94°39'16"
29°08'04"	94°28'12"
29°03'13"	94°36'48"
29°14'48"	94°45'12"
29°18'10"	94°39'16"

and rhumb lines joining points at:

29°19'23"	94°37'08"
29°12'18"	94°32'00"
29°14'23"	94°25'53"
29°13'24"	94°27'33"
29°19'23"	94°37'08"

* * * * *

Authority.—30 Stat. 1151, 33 U.S.C. 503 and 43 U.S.C. 1333(e). The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 28, 1979.

Edward Lee Rogers,

Acting Assistant Secretary of the Army (Civil Works).

[FR Doc. 79-27356 Filed 8-31-79; 8:45 am]

BILLING CODE 3710-92-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 922

Planning and Design Objectives, Controls, and Standards on the Western Half of Square 457.

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Interim Rule; request for comment.

SUMMARY: The Pennsylvania Avenue Development Corporation proposes regulations relating to controls and standards for the western half of Square 457, an area in the District of Columbia which is scheduled for development and rejuvenation under The Pennsylvania Avenue Plan—1974. The regulations address such areas as height, development massing, pedestrian features and related subjects. The controls and standards are intended to implement The Pennsylvania Avenue Plan—1974, as amended. Public comment is invited on the substance of this Interim Rule as well as the readability and clarity of presentation.

DATES: Effective date: September 4, 1979. comments must be received on or before October 4, 1979.

ADDRESS: Send comments to Mr. Al Milin, Square 457 Coordinator, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Ms. Mary M. Schneider, Attorney (202) 566-1078, or Mr. Yong-Duk Chyun, Architect (202) 566-1218, Pennsylvania Avenue Development Corporation.

SUPPLEMENTARY INFORMATION: The Pennsylvania Avenue Development Corporation (the Corporation) is a wholly owned government corporation of the United States with authority to develop and rejuvenate 21 blocks along the north side of Pennsylvania Avenue, NW., Washington, D.C. The Corporation has prepared a development plan, The Pennsylvania Avenue Plan—1974, which has been adopted by Congress. In order to facilitate development in accordance with the Plan, the Corporation will be preparing Controls and Standards for many of the blocks under its jurisdiction.

This interim rule sets forth the Controls and Standards for both required and recommended features applicable to development of the western half of Square 457, an area on Square 457, a block in the District of Columbia, as recorded by the Surveyor of the District of Columbia. The Controls and Standards will be distributed to affected property owners and potential developers, and will become the basis on which development proposals and related actions will be reviewed and approved by the Corporation.

The Controls and Standards set forth required controls and standards for height, development massing, land uses, pedestrian amenities, land parcelization, historic preservation, off-street parking and loading and related subjects. The document also sets forth recommended controls and standards in such areas as uses, energy conservation, off-street loading and parking, historic preservation, and related subjects.

36 CFR Chapter IX, Subchapter B, is amended by adding a new Part 922 to read as follows:

PART 922—WESTERN HALF OF SQUARE 457

Subpart A—General

Sec.
922.1 Definitions.

Subpart B—Required Planning and Design Controls and Standards

922.20 Required controls and standards: Development parcels.
922.21 Required controls and standards: Integration of development parcels.
922.22 Required controls and standards: Development control zones.
922.23 Required controls and standards: Bulk.
922.24 Required controls and standards: Build-to line.
922.25 Required controls and standards: Height of development.
922.26 Required controls and standards: Mandatory court.
922.27 Required controls and standards: Pedestrian features.
922.28 Required controls and standards: Uses.
922.29 Required controls and standards: Rooftop uses.
922.30 Required controls and standards: Curb-cuts.
922.31 Required controls and standards: Off-street parking.
922.32 Required controls and standards: Off-street loading.
922.33 Required controls and standards: Provisions for the handicapped.
922.34 Required controls and standards: Historic preservation.
922.35 Required controls and standards: Streetfront design.
922.36 Required controls and standards: Storefront design.
922.37 Required controls and standards: Fire and life safety.

Subpart C—Recommended Planning and Design Controls and Standards

922.50 Recommended controls and standards: Development parcels.
922.51 Recommended controls and standards: Uses.
922.52 Recommended controls and standards: Court.
922.53 Recommended controls and standards: Energy conservation.
922.54 Recommended controls and standards: Access for offstreet parking and loading.
922.55 Recommended controls and standards: Historic preservation.
922.56 Recommended controls and standards: Fire and life safety.

Authority: Sec. 6(8) Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 875(8)).

Subpart A—General

§ 922.1 Definitions.

In addition to the words and phrases defined in this section, the words and phrases as defined in section 1202 of the Zoning Regulations of the District of Columbia, as amended, are applicable to this part. Where a conflict arises in terminology or interpretation between this section and section 1202 of the Zoning Regulations, this section shall control.

Build-to line means a line with which the exterior wall of a building in a *development* is required to coincide, except that architectural features such as recesses, niches, entrances, or other articulations of the facade are permitted, unless otherwise prohibited by these Controls and Standards or the District of Columbia's codes and regulations.

Development means a structure, including a building, planned unit development, or project resulting from the process of planning, land acquisition, demolition, construction, or *rehabilitation* consistent with the objectives and goals of *The Plan.*

Development parcel means an area of land established by the Corporation to be a minimum site on which a *development* may occur under *The Plan* and any applicable Planning and Design Objectives, Controls, and Standards adopted by the Corporation.

Height of development means the vertical distance measured from a specified point at the curb level of a street to the highest point of the roof or parapet of the *development* inclusive of all structures on the roof not otherwise specifically excluded in this part.

The Plan means The Pennsylvania Avenue Plan—1974, as amended, and prepared pursuant to Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871), and the document which sets forth the *development* concepts upon which these controls and standards are based.

Rehabilitation means the process of adapting improvements on real property to make possible an efficient contemporary use achieved by means of a combination of construction, repair, or alteration, as well as *restoration* and *replication* of those portions and features of the property that are significant to its historic, architectural, and cultural values, consistent with the goals and objectives of The Plan.

Replication means the process of using modern methods and materials to reproduce the exact form and details of a vanished building, structure, object, or portion thereof, as it appeared at a particular period of time, and consistent with the objectives and goals of *The Plan.*

Restoration means the process of accurately recovering the form and details of a property as they appeared at a particular period of time by means of removal of later work and the replacement of missing original work, consistent with the objectives and goals of *The Plan.*

Storefront means the street level frontage relating to a single store.

Structural Bay means the distance or span from one vertical structural member fronting on a street to the immediately adjacent vertical structural member fronting on the same street.

Subpart B—Required Planning and Design Controls and Standards

§ 922.20 Required controls and standards: Development parcels.

(a) The western half of Square 457 is the area bounded by 7th, D, and E Streets, NW., Washington, D.C., and the north-south public alley bisecting Square 457 as shown on Diagram 1. The north-south public alley shall be:

(1) The existing north-south public alley between E Street, NW., and D Street, NW.; plus

(2) An area extending southward from the E Street right of way line for a distance of 217 feet and measured westward 5 feet from the west line of the existing north-south public alley.

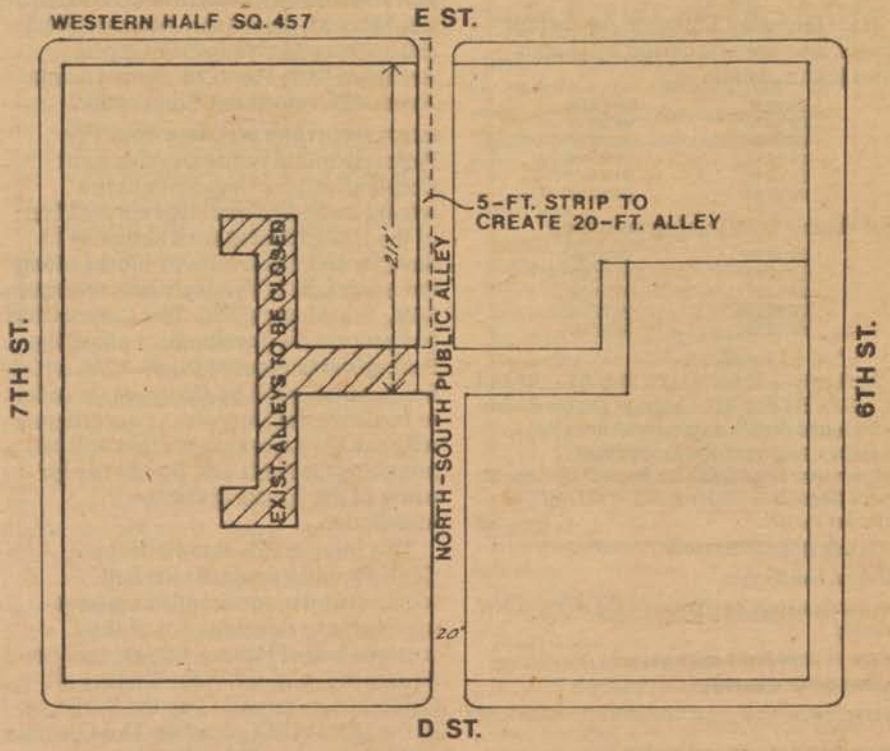


Diagram 1

Western Half of Square 457

(b) The western half of Square 457 shall be developed in no more than four *development parcels* as specified in this § 922.20 and shown on Diagram 2b.

(1) Parcel A is a *development parcel* that fronts on 7th and D Streets, NW., and incorporates all of Lots 815, 846, 853, 818, and portions of Lots 819 and 820 measured eastward from the 7th Street right-of-way line for a distance of approximately 60 feet. Parcel A is approximately 9,070 square feet in area.

(2) Parcel B is a *development parcel* that fronts on 7th and E Streets, NW., and incorporates Lot 826 in its entirety and portions of Lots 823, 824, and 825 measured eastward from the 7th Street right-of-way line for a distance of 60 feet. Parcel B is approximately 9,795 square feet in area.

(3) Parcel C is a *development parcel* and is the remainder of the western half of Square 457. Parcel C is approximately 74,240 square feet in area. (See Diagram 2a.)

(4) The Mayer Building (419–423 7th Street, NW.), located within Parcel C on Lot 36, may be created as a separate *development parcel*, Parcel D (see Diagram 2b): *Provided*, That:

(i) The Mayer Building is *rehabilitated* and integrated with other *developments* as specified in § 922.20;

(ii) The Mayer Building is devoted to a use specified in § 922.27(b); and

(iii) The development process occurs prior to *development* of the remainder of Parcel C; or

(iv) The development process is undertaken by a separate developer contemporaneous with *development* on the remainder of Parcel C.

Parcel D is approximately 9,251 square feet in area, and the remainder of Parcel C is approximately 64,990 square feet in area.

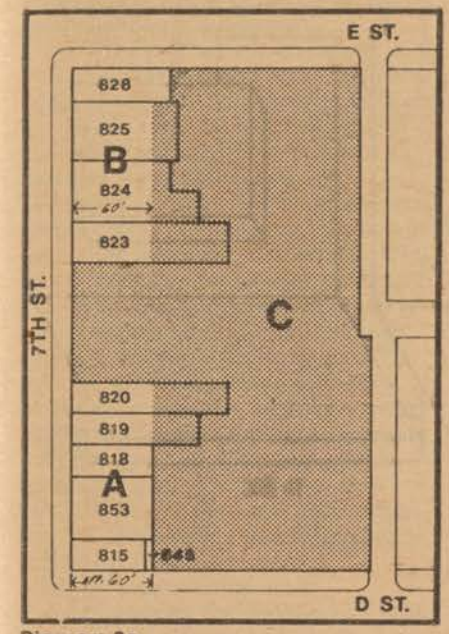


Diagram 2a

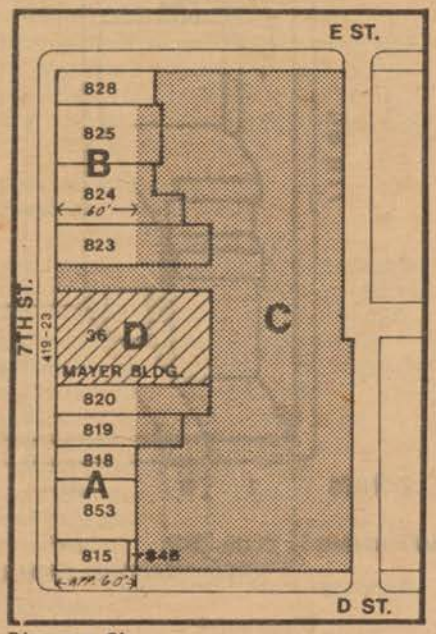


Diagram 2b

Development Parcels

§ 922.21 Required controls and standards: Integration of development parcels.

(a) Each *development* shall be planned and designed so that upon completion of the western half of the Square all *developments* can be integrated with regard to:

(1) Off-street loading facilities, and

(2) Ground floor pedestrian features, where such features are provided.

(b) The Corporation may require that any and all *development parcels* be recorded as a lot of record with the Surveyor's Office of the District of Columbia should such recordation be required to achieve the integrated and comprehensive *development* contemplated for the western half of the square. It is the Corporation's intention that no lot of record shall be created that will adversely impact any *development* on a specified *development parcel* described in § 922.20.

(c) In order to facilitate integration of the western half of Square 457, the Corporation shall require that certain areas, spaces, and facilities within designated Parcel C be made useable by and accessible from Parcels A, B, and D.

(d) Parcels, A, B, and D shall have rights to access and use on those portions of Parcel C described as a court in § 922.26(a) and such rights shall be in accordance with the provisions of § 922.26 (b) through (h); Parcels A, B, and D shall also have rights to subsurface access and off-street loading facilities located within Parcel C.

§ 922.22 Required controls and standards: Development control zones.

The western half of Square 457 shall be divided into three development control zones as specified in this § 922.22 and shown on Diagram 3:

(a) Zone I is bounded on the west by the right-of-way line of 7th Street, NW; on the south by the right-of-way line of D Street, NW; on the north by the right-of-way line of E Street, NW; and on the east by a line measured 60 feet from the 7th Street right-of-way, except that Lot 826 shall be included in its entirety.

(b) Zone II is bounded on the west by Zone I, on the north by the right-of-way line of E Street, NW., on the south by the right-of-way line of D Street, NW., and on the east by a line measured 90 feet east from the right-of-way line of 7th Street, NW.

(c) Zone III shall be the remaining portion of the western half of Square 457.

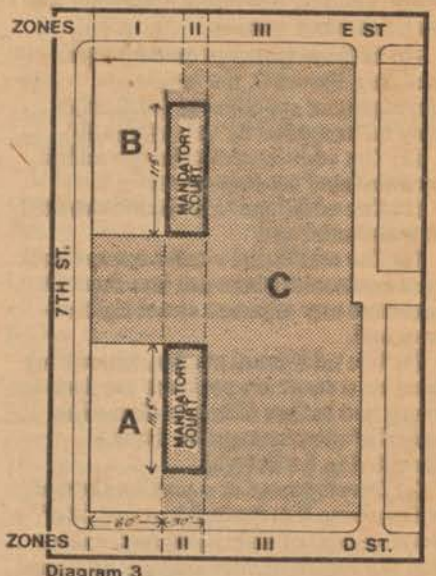


Diagram 3

Development Control Zones

§ 922.23 Required controls and standards: Bulk.

The western half of Square 457 shall be limited to a maximum floor area ratio of 8.5.

§ 922.24 Required controls and standards: Build-to line.

A *build-to line* for a *development* in Zone I is established at the right-of-way line of 7th Street, N.W., for the entire length of the street between D and E Streets, N.W.

§ 922.25 Required controls and standards: Height of development.

(See Diagram 4.)

(a) Within Zone I, no *development* or a portion thereof shall exceed a *height of development* of four stories if the *development* has a flat roof, or three stories if any other roof configuration is provided, except

(1) Where the Mayer Building is rehabilitated, the *height of development* on Parcel D shall be limited to the roof line of the Mayer Building;

(2) Where *development* occurs in conjunction with an existing building or facade, or a relocated building or facade, the *height of development* shall be limited to the height of that building or facade.

For the purpose of this section, any mezzanine provided at any level above the first story shall be considered a story, and any basement area shall not be considered a story.

(b) In Zone I, except on the Mayer Building, Parcel D, the *height of development* specified in § 922.25(a) may be exceeded by two stories if:

(1) The additional stories are added on a flat roof configuration;

(2) The additional stories are devoted to residential use;

(3) The additional stories are set back on a horizontal plane not less than 20 feet from any adjacent street right-of-way and,

(4) The additional stories, where they front on a court are set back one inch for every two inches of height above the *height of development* for Zone I specified in § 922.25(b).

(c) *Development* or a portion thereof within Zone II is limited to a *height of development* of eighty (80) feet, except that the *height of development* on Parcel D shall not exceed the height of the roof line of the Mayer Building.

(d) In Zone I and Zone II roof structures are not permitted on roof areas.

(e) *Development* within Zone III is limited to a *height of development* of one hundred ten (110) feet, exclusive of roof structures.

(f) The *height of development* in Zones II and III shall be measured at a point on the curb at the intersection of the curb line of 7th Street, N.W., and the right-of-way line of E Street, N.W. (See "A" in Diagram 4.)

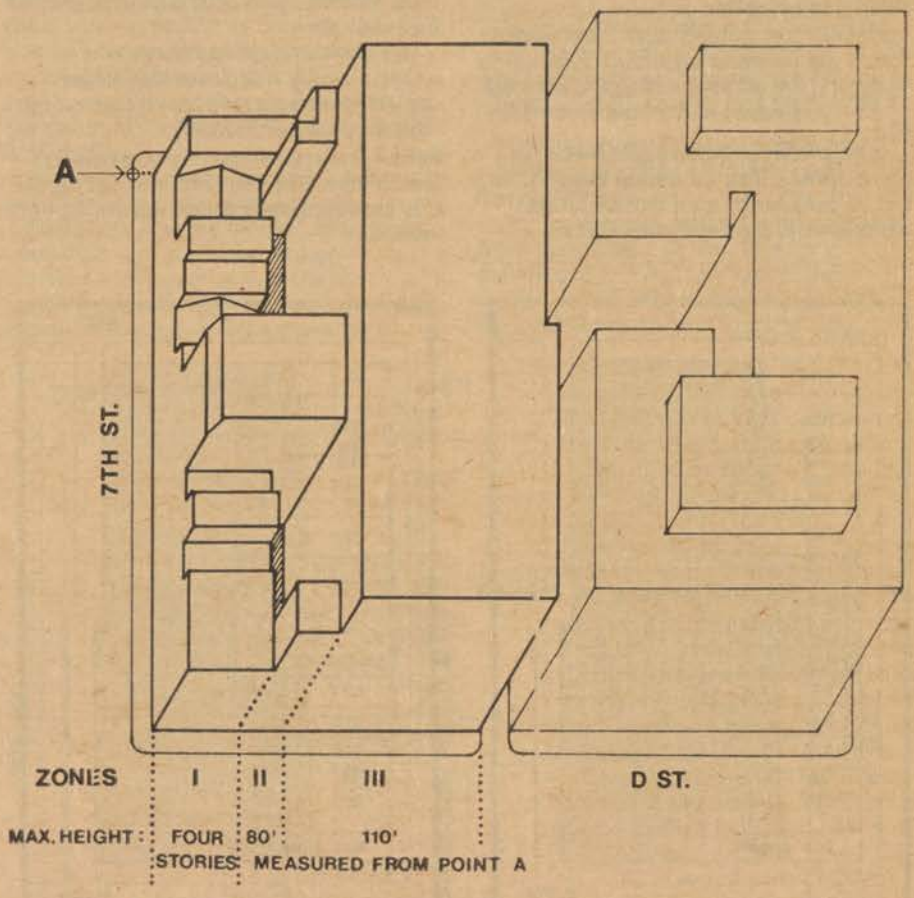


Diagram 4

Height of Development

§ 922.26 Required controls and standards: Mandatory court.

(a) *Development* on Parcel C is required to provide two courts within Zone II of the following minimum dimensions (see Diagram 3) and the requirements described in paragraphs (b) through (f) of this section apply to these mandatory courts.

(1) A court, adjacent to Parcel A, shall extend southward not less than 111.5 feet from the southern lot line of Lot 36, and shall be at least 30 feet wide.

(2) A court, adjacent to Parcel B, shall extend northward not less than 115 feet from the northern lot line of Lot 822, and shall be at least 30 feet wide.

(b) A court shall be open to the sky providing light and air for *development* on adjacent *development parcels.*

(c) The level within a court located in Zone II shall be within the range of specific topographic elevations set forth below, based on Vertical Datum of the District of Columbia Department of Transportation Datum:

(1) The court adjoining Parcel A—elevation 22 feet and elevation 27 feet;

(2) The court adjoining Parcel B—elevation 30 feet and elevation 40 feet.

(d) A court shall be landscaped and architecturally treated in an attractive manner and shall not be penetrated, receive exhaust, or otherwise be intruded into by ventilation grates or fans, stairways to subsurface parking and loading, mechanical equipment related to operation of a *development*, or the like; except that restricted access from subsurface space is permitted where (1) the access point occupies only a minimal portion of the court area, (2) the access point is designed in a manner complementary to and compatible with the landscaping and architectural treatment of the court, and (3) access through this point is for a special purpose which cannot be satisfied by other access points to the subsurface space within a *development*.

(e) Any *development* on Parcels A, B, or D shall have access to the mandatory court adjacent to that *development*, and shall have a right to use that court or a portion thereof under the terms of an agreement negotiated with the developer of Parcel C. The developer of Parcel C may not unreasonably withhold consent to use of the mandatory courts by adjacent *development parcels*, or otherwise impair negotiation of an agreement for use of the mandatory courts. The mandatory court shall be used for day and evening activities which are compatible with the uses in each *development* adjoining that court.

(f) The court adjacent to Parcel A shall have a direct connection to D Street, NW, and the court adjacent to Parcel B shall have a direct connection to E Street, NW.

(g) Upon completion of all *developments* on the western half of the Square, vehicular use is prohibited in every court.

(h) All surfaces fronting on any court shall be of a high quality design in order to create an attractive and pleasant court area, and to provide light and air to interior spaces of any adjoining *development*.

§ 922.27 Required controls and standards: Pedestrian features.

(a) All retail spaces on the ground level fronting on a street shall be made directly accessible from the adjacent sidewalk.

(b) When ground floor pedestrian features are provided in more than one *development*, such features shall be designed to allow free flowing pedestrian movement between *developments*.

§ 922.28 Required controls and standards: Uses.

(a) Parcel C shall be primarily devoted to residential use above the ground level, and not less than 350 dwelling units shall be provided.

(b) It is not intended that Parcels A and B be primarily devoted to residential use, but residential use is permitted on Parcels A and B.

(c) In the event the Mayer Building (Parcel D) is *rehabilitated*, it shall be devoted to residential use, or activity generating uses such as theatre, exhibits, retail, or a mixture thereof, but office use shall be prohibited.

(d) The ground floor of the western half of Square 457 shall be primarily devoted to a mix of retail, entertainment, restaurant, and exhibition uses that will encourage lively activities at the street level throughout the day, evening, and weekend. The ground floor of that portion of *development* in Zones II and III may also be devoted to uses that provide services related to residential use, such as nursery, grocery store, drug store, dry cleaner, etc.

§ 922.29 Required controls and standards: Rooftop uses.

(a) In Zone I, rooftop uses are prohibited except that, when residential uses are provided in any *development* in Zone I, rooftop uses are permitted, but such uses are limited to those which satisfy the requirement for "residential recreation space" specified in subsection 5302.2 of the District of Columbia Zoning Regulations.

(b) In Zones II and III, cafes, restaurants, and recreational uses including gardens and playgrounds are permitted on roof areas.

§ 922.30 Required controls and standards: Curb-cuts.

(a) No curb-cut shall be permitted along any portion of 7th, D, or E Streets, NW., adjoining Zones I or II.

(b) In Zone III, a single curb cut is permitted on D Street, N.W., and a single curb cut is permitted on E Street, N.W.

§ 922.31 Required controls and standards: Off-street parking.

(a) Off-street parking as a principal use is prohibited. Off-street parking as an accessory use in a *development* is permitted.

(b) All parking spaces shall be located below grade level.

(c) When an off-street parking facility is provided as part of a *development*, it shall be designed and constructed so as to permit its consolidation with off-street parking facilities of other *developments* on the western half of the Square. Upon completion of all *developments* on the western half of Square 457, all ingress and egress to parking facilities shall be on Parcel C.

(d) The maximum number of parking spaces for a *development* shall not exceed the aggregate of the number of parking spaces allowed for each use within the *development*, except that the number of parking spaces allocated to one *development parcel* may be increased by transferring the unused allocation of parking spaces from another *development parcel* on the western half of Square 457. If such allocation is transferred, the parking facility shall be designed to provide access to the parking facility from the *development* that transferred the unused parking allocation. The schedule of limitations for parking spaces is as follows:

(1) Hotel: one parking space for each four sleeping rooms or suites;

(2) Places of public assemblage other than hotels [i.e., arena, armory, theater, auditorium, community center, convention center, concert hall, etc.]: One parking space for each ten seats of occupancy capacity for the first 10,000 seats, plus one for each 20 seats above 10,000; *Provided*, That where seats are not fixed, each seven square feet of gross floor area usable for seating shall be considered one seat;

(3) Retail, trade, and service establishments: one parking space for each 750 square feet of gross floor area;

(4) Residential: One parking space for each 1.2 units;

(5) Offices: One parking space for each 1,800 square feet of gross floor area.

§ 922.32 Required controls and standards: Off-street loading.

(a) Any off-street loading facility shall comply with Article 73 of the Zoning Regulations of the District of Columbia.

(b) A consolidated off-street loading facility located on Parcel C shall service all *development parcels* on the western half of Square 457.

(c) The off-street loading and servicing for Parcels A, B, and D shall be below grade and shall be designed and constructed for final integration with the off-street loading/servicing facility in Parcel C. *Development* on Parcel C shall be designed and constructed to accommodate off-street loading and servicing for Parcels A, B, and D.

(d) All ingress and egress for off-street loading facilities shall be from the north-south public alley.

(e) No off-street loading shall abut any sidewalk.

(f) Until a *development* takes place on Parcel C, loading access for Parcels A, B, and D shall be from existing alleys at grade level.

§ 922.33 Required controls and standards: Provisions for the handicapped.

Each *development* shall be designed and constructed to incorporate features that will make the *development* readily accessible by the physically handicapped. The specifications published by the American National Standards Institute, Inc. (ANSI A117.1 Revised 1971) titled "Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" should be used as guidelines.

§ 922.34 Required controls and standards: Historic preservation.

(a) The historic preservation aspects of the *development* shall be implemented in accordance with the Historic Preservation Plan of the Pennsylvania Avenue Development Corporation. The streetfronts in Zone I in Square 457 will become part of a larger "Historic Preservation Zone" consisting of existing buildings and facades relocated and *replicated* building facades, and new building designs. The Historical Preservation Zone will recreate the visual quality and character of the typical 19th Century commercial street in areas along Pennsylvania Avenue and 7th Street. However, the overall effect desired is not that of a museum, but an eclectic street frontage which expresses the growth and change of the city.

(b) The following buildings and/or their facades located in the western half of Square 457 shall be preserved as part of Program II of the Historic Preservation Plan (see Diagram 5):

(1) Program IIA: Preservation in Place

401–407 7th Street, NW. (Crandell Building), Lots 815, 846, and 853; 417 7th Street, NW., Lot 820; and 443 7th Street, NW., Lot 826

(2) Program IIB: Building Facade Relocations

Note.—These buildings may be considered for relocation within any area of the Historical Preservation Zone.

629 D Street, NW. (Central Armature Works), Lot 864 and

415 7th Street, NW. (Union Clothing & Furniture), Lot 819

(3) Program IIC: Salvage and Re-Use of Architectural Elements

626 E Street, NW., Lot 827

(c) Buildings and/or their facades or elements may be relocated to the western half of Square 457 from other sites in the development area as specified in Program IIB and IIC of the Historic Preservation Plan.

(d) Because of the scale and character of the historic buildings on and near Square 457, it is especially important to apply sensitive treatment to massing and facade design for all *rehabilitation* projects and new *developments.*

(e) *Restoration, rehabilitation,* and *replication* shall be carried out in consultation with the Pennsylvania Avenue Development Corporation, and on the basis of the "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" issued by the Technical Preservation Services Division, Heritage Conservation and Recreation Service, U.S. Department of Interior.

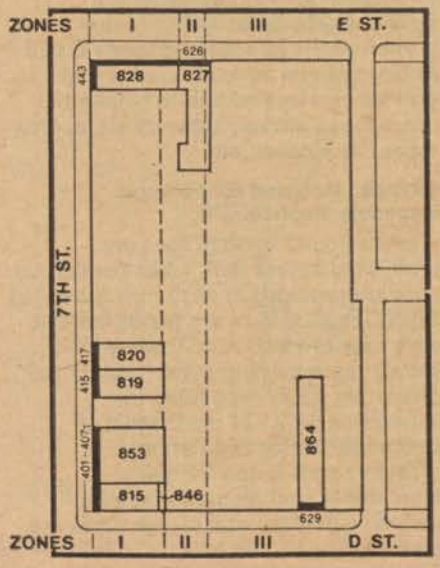


Diagram 5

Historic Preservation

§ 922.35 Required controls and standards: Streetfront design.

In order to create the Historical Preservation Zone described in the Historic Preservation Plan, the street frontage along 7th Street, NW., on the western half of Square 457 shall consist of a combination of the following building elements and facades to be approved by the Corporation:

(a) Buildings or facades to be preserved in place;

(b) Relocated buildings or facades not exceeding four stories;

(c) *Replicated* facades which previously existed or now exist in the development area using a combination of new materials and/or salvaged architectural elements;

(d) Contemporary building designs which consider the following design elements of the adjacent historic buildings:

(1) Height;

(2) Scale;

(3) Proportion of building;

(4) Rhythm of solids and voids in fenestration;

(5) Vertical and horizontal articulation of the facade composition;

(6) Rhythm of entrances, recesses, and show windows of the street frontage;

(7) Materials;

(8) Textures;

(9) Color;

(10) Architectural Detail; and

(11) Signs.

§ 922.36 Required controls and standards: Storefront design.

(a) Any *storefront* located in Zones I and II shall be no more than the width of one *structural bay.* Except in the Mayer Building where a storefront will be limited to no more than two structural bays.

(b) *Storefront* designs can be either *replications* of period *storefronts*, new designs which reflect some of the historic qualities of the upper floors, or contemporary designs which juxtapose the new with the old in a complementary manner.

§ 922.37 Required controls and standards: Fire and life safety.

Any *development* on the western half of Square 457 shall be so designed as to provide fire and life safety egress only to adjoining streets or to the north-south public alley bisecting the Square.

Subpart C—Recommended Planning and Design Controls and Standards

§ 922.50 Recommended controls and standards: Development parcels.

If the Mayer Building is *rehabilitated,* it is recommended that Parcel D not be developed independently, but that Parcel C and Parcel D be developed together in order to appropriately integrate the two *development parcels.*

§ 922.51 Recommended controls and standards: Uses.

(a) Along the ground level frontages of 7th Street, NW., uses which generate a low level of activities or engage in business for a limited period of time during the day such as banks, airline ticket offices, travel bureaus, etc., are discouraged.

(b) It is highly recommended that there be residential use on Parcels A, B, and D.

(c) It is highly recommended that al *developments* on the western half of Square 457 provide, in the aggregate, 400 dwelling units.

§ 922.52 Recommended controls and standards: Court.

(a) It is recommended that the mandatory courts in Zone II be larger than the minimum dimensions prescribed in § 922.26(a).

(b) It is recommended that there be well designed pedestrian connections between the mandatory courts and D and E Streets.

§ 922.53 Recommended controls and standards: Energy conservation.

All new buildings should be designed to be economical in energy consumption. The conservation standards of ASHRAE 90–75 should be used as guidelines.

§ 922.54 Recommended controls and standards: Access for off-street parking and loading.

(a) It is highly recommended that ingress and egress for consolidated off-street parking on the western half of Square 457, be through the north-south public alley bisecting Square 457.

(b) It is recommended that points of ingress and egress for consolidated off-street parking facilities be provided directly adjacent to the north-south public alley, in case such access cannot be provided through the alley as recommended in paragraph (a) of this section.

§ 922.55 Recommended controls and standards: Historic preservation.

(a) It is recommended that streetfronts in Zone II in Square 457 become part of a larger "Historical Preservation Zone" consisting of existing buildings and facades, relocated building facades, and complementary new building designs.

(b) Buildings and/or their facades may be relocated to the western half of Square 457 from sites outside the development area with the approval of the Corporation.

(c) Along 7th Street, NW, existing buildings or facades not specified herein may be considered for preservation in place. If a building or facade not specified herein is approved for preservation in place, it shall be *restored, rehabilitated,* or *replicated* in accordance with the provisions of § 922.34(e).

§ 922.56 Recommended controls and standards: Fire and life safety.

It is highly recommended that all buildings in the western half of Square 457 meet the NFPA Code for fire safety and that all buildings of six or more stories be equipped with a sprinkler system.

Issued in Washington, D.C.

Dated: August 28, 1979.

Joseph B. Danzansky,

Chairman.

[FR Doc. 79-27234 Filed 8-31-79; 8:45 am]

BILLING CODE 7630-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[FRL 1311-5; OPP-260033A]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Editorial Amendments; Correction

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

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared on Editorial Amendments at page 37918 in the **Federal Register** of Friday, June 29, 1979 (FR Doc. 79–20095). The document is corrected by deleting extraneous pesticide chemicals from the Alphabetical Listing of Pesticide Chemicals and including pesticide chemicals that were omitted from the Alphabetical Listing of Pesticide Chemicals.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION, CONTACT: Mr. Edward Gross, Office of Toxic Substances (TS–793), EPA, 401 M Street, S.W., Washington, D.C. 20460 (202/426–1800).

SUPPLEMENTARY INFORMATION: In FR Doc. 79–20095 appearing at page 37918 in the issue of June 29, 1979, the following corrections are made in item 12, which begins at the bottom of the middle column on page 37919:

1. In item 12a. in the table, "2,4-Bis(isopropylamino)-methylthio-S-triazine * * *" is deleted from the Alphabetical Listing of Pesticide Chemicals.

2. In item 12b. in the table, "2-(Sec-butylamino-4-ethylamino-6-methoxy-S-triazine * * *" and "2-Tert-butylamino-4-ethylamino-6-methoxy-S-triazine * * *" are deleted from the Alphabetical Listing of Pesticide Chemicals.

3. Item 12c. is corrected to read as follows:

12. * * * * *

c. The 15 pesticide chemicals after the pesticide chemical Chlordimeform are alphabetically relisted to read as follows:

Alphabetical Listing of Pesticide Chemicals

Name	Section No.
* * * * *	
2-Chloroallyl Diethyldithiocarbamate	180.247
2-Chloro-N,N-Diallylacetamide	180.282
2-Chloro-1-(2,4-Dichlorophenyl) Vinyl Diethyl Phosphate	180.322
2-((4-Chloro-6-Ethylamino)-S-Triazin-2-YL) Amino-2-Methylpropionitrile	180.307
2-Chloro-N-Isopropylacetanilide	180.211
Chloroneb	180.257
1-Chloro-2-Nitropropane	180.286
P-Chlorophenoxyacetic Acid	180.202
2-(M-Chlorophenoxy) Propionic Acid	180.325
P-Chlorophenyl-2,4,5-Trichlorophenyl Sulfide	180.256
6-Chloropicolinic Acid	180.350
Chloropropylate	180.218
Chlorosulfamic Acid	180.201
2-Chloro-1-(2,4,5-Trichlorophenyl) Vinyl Dimethyl Phosphate	180.252
Chlorothalonil	180.275
* * * * *	

4. In item 12g., the 11 pesticide chemicals in the table after the pesticide chemical Ethoprop are alphabetically relisted to read as follows:

Alphabetical Listing of Pesticide chemicals

Name	Section No.
* * * * *	
2-Ethoxy-2,3-Dihydro-3,3-Dimethyl-5-Benzofuranyl Methanesulfonate	180.345
Ethoxyquin	180.178
5-Ethoxy-3-Trichloromethyl-1,2,4-Thiadiazole	180.370
S-Ethyl Cyclohexylethylthiocarbamate	180.212
Ethyl 4,4'-Dichlorobenzilate	180.109
S-Ethyl Diisobutylthiocarbamate	180.232
S-Ethyl Dipropylthiocarbamate	180.117
Ethylene Oxide	180.151
S-Ethyl Hexahydro-1H-Azepine-1-Carbothioate	180.228
Ethyl 3-Methyl-4-(Methylthio) Phenyl (1-Methylethyl) Phosphoramidate	180.349
O-Ethyl S-Phenyl Ethylphosphonodithioate	180.221
* * * * *	

Dated: August 28, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-27445 Filed 8-31-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-65

[ADM 7900.7 CHGE 2]

Membership on State Historical Records Advisory Boards

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This change to the General Services Administration Property Management Regulations deletes the requirement that the National Historical Publications and Records Commission approve the membership of State Historical Records Advisory Boards. It also modifies the qualifications for

membership to include experience in administration of archives instead of the present factor—experience in a field of research using historical records. This change will simplify the appointment of Board members and more effectively provide the professional knowledge and technical expertise necessary for the Boards to carry out their responsibilities.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT: Frank G. Burke, Executive Director, National Historical Publications and Records Commission (202–724–1083).

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.

PART 105–65—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Subpart 105–65.2—National Historical Records Program

Section 105–65.203–2(a) is revised to read as follows:

§ 105–65.203–2 State Historical Records Advisory Board.

(a) The Governor of each State desiring to participate in the program shall appoint a State Historical Records Advisory Board (Board) consisting of at least seven members, including the State Historical Records Coordinator, who chairs the Board. A majority of the members shall have recognized experience in administration of historical records or archives. The Board shall be as broadly representative as possible of the public and private archival and research institutions and organizations in the State. Board members receive no Federal compensation for their service on the Board. They are appointed for 3 years with the possibility of renewal; terms are staggered so that one-third of the Board is newly appointed or reappointed each year.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: August 23, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79–27414 Filed 8–31–79; 8:45 am]

BILLING CODE 6820–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FI 5690]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Iowa	Jackson	Unincorporated areas	190679–A	Aug. 17, 1979, emergency.	May 24, 1977.
Missouri	Pike	Annada, village of	290287	do	Feb. 7, 1975.
Do	Cape Girardeau	Jackson, city of	290790–B	do	Aug. 1, 1978 and Feb. 13, 1979.
Pennsylvania	Pike	Porter, township of	422500–A	do	Feb. 18, 1977.
Iowa	Jackson	Baldwin, city of	190428	Aug. 21, 1979, emergency.	June 25, 1976.
Florida	Union	Unincorporated areas	120422	Aug. 22, 1979, emergency.	Dec. 2, 1977.
Georgia	Douglas	Douglasville, city of	130305	do	Apr. 25, 1975.
Texas	Harrison	Uncertain, town of	481559—New	Aug. 21, 1979, emergency, Aug. 21, 1979, regular.	

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
California	Alameda	Newark, city of	060009	Apr. 22, 1974, emergency, Dec. 1, 1978, regular, Jan. 17, 1979, suspended, Aug. 21, 1979, reinstated.	Feb. 22, 1975 and Jan. 16, 1976.
Colorado	Garfield	Glenwood Springs, city of	080071	Oct. 23, 1974, emergency, July 16, 1979, regular, July 16, 1979, suspended, Aug. 24, 1979, reinstated.	Mar. 1, 1974.
Pennsylvania	Wyoming	Northmoreland, township of	422204	Aug. 27, 1979, emergency.	Nov. 15, 1974.
Do	do	Washington, township of	422207	do	Dec. 6, 1974.
Texas	Somervell	Glen Rose, city of	480574-A	do	Aug. 23, 1974 and Feb. 6, 1976.
Pennsylvania	Northumberland	Kulpmont, borough of	420736-B	Feb. 1, 1974, emergency, May 1, 1978, regular, May 1, 1978, suspended, Aug. 23, 1979, reinstated.	May 31, 1974 and June 4, 1974.
Do	Dauphin	Middle Paxton, township of	420387-B	Mar. 2, 1973, emergency, Aug. 15, 1979, regular, Aug. 15, 1979, suspended, Aug. 23, 1979, reinstated.	Nov. 28, 1973 and June 3, 1977.
Do	Allegheny	Moon, township of	421082-B	Dec. 10, 1974, emergency, Aug. 15, 1979, regular, Aug. 15, 1979, suspended, Aug. 23, 1979, reinstated.	Sept. 6, 1974 and June 4, 1976.
West Virginia	Tucker	Parsons, town of	540194-B	Apr. 17, 1975, emergency, Aug. 15, 1979, regular, Aug. 15, 1979, suspended, Aug. 23, 1979, reinstated.	Feb. 8, 1974 and Apr. 9, 1976.
Alaska		Kodiak, city of	020017	June 20, 1975, emergency, Aug. 15, 1979, withdrawn.	
Connecticut	New Haven	Naugutuck, borough of	090137-B	Aug. 15, 1979, suspension withdrawn.	June 28, 1974 and Feb. 18, 1977.
Do	Hartford	Suffield, town of	090038-C	do	Oct. 18, 1977 and Mar. 16, 1978.
Idaho	Bingham	Aberdeen, town of	160158-A	do	June 27, 1975.
Illinois	Kane	Montgomery, village of	170328-B	do	Oct. 26, 1973 and May 28, 1976.
Iowa	Audubon	Audubon, city of	19011-B	do	May 3, 1974 and May 21, 1976.
Massachusetts	Hampden	Holyoke, city of	250142-B	do	Apr. 12, 1974 and July 12, 1977.
Do	Franklin	Montague, town of	250122-B	do	Mar. 22, 1974 and Nov. 5, 1976.
Do	Hampshire	South Hadley, town of	250170-A	do	Mar. 22, 1974.
Michigan	Oakland	Pontiac, city of	260177-B	do	Feb. 1, 1974 and Aug. 20, 1976.
Minnesota	Mower	Adams, city of	270308-A	do	July 30, 1976
Nebraska	Merrick	Central City, city of	310148-B	do	May 10, 1974 and Feb. 27, 1976.
Do	Douglas	Elkhorn, city of	310075-B	do	Mar. 22, 1974 and Apr. 16, 1976.
Do	Dakota	South Sioux City, city of	310054-B	do	Dec. 7, 1973 and Jan. 23, 1976.
New York	Erie	Wales, town of	360261-B	do	May 10, 1974 and July 23, 1976.
Oregon	Marion	Unincorporated area,	410154-B	do	Jan. 24, 1975 and Jan. 24, 1978.
Pennsylvania	Potter	Cloudersport, borough of	420761-B	do	July 19, 1974 and May 21, 1976.
Do	Lebanon	East Hanover, township of	421012-B	do	Aug. 31, 1973 and Nov. 19, 1976.
Do	Perry	Liverpool, borough of	420750-B	do	May 10, 1974 and May 7, 1975.
Do	Lancaster	Manheim, township of	420556-B	do	Dec. 28, 1973 and Jan. 28, 1977
Do	Columbia	Mifflin, township of	421167-B	do	Nov. 1, 1974 and June 11, 1976
Do	Perry	Newport, borough of	420754-B	do	June 1, 1973 and June 4, 1976.
Do	do	Oliver, township of	421022-B	do	Feb. 22, 1974 and Apr. 1, 1977.
Do	do	Rye, township of	421028-B	do	June 28, 1974 and June 25, 1976.
Do	Northumberland	Turbot, township of	420744-B	do	June 15, 1973 and June 4, 1976.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Pennsylvania	Perry	Watts, township of	420756-B	Aug. 15, 1979, suspension withdrawn.	Oct. 26, 1973 and Dec. 24, 1976.
Rhode Island	Providence	Glocester, town of	440034-B	do	Oct. 18, 1974 and Apr. 8, 1977.
Washington	Kitsap	Bremerton, city of	530093-A	do	Nov. 8, 1974.
Do	Benton	Kennewick, city of	530011-C	do	June 7, 1974, Oct. 29, 1976, and Aug. 23, 1977.
Do	Whitman	Tekoa, city of	530215-B	do	Aug. 30, 1974 and Mar. 12, 1976.
Wisconsin	Lafayette	Argyle, village of	550224-B	do	Nov. 30, 1973 and June 4, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: August 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-27281 Filed 8-31-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5691]

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii Call Toll Free (800) 424–9080), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	Peoria County (Docket No. FI-3399).	Illinois River	Downstream County Boundary	*455
			City of Kingston Mines	*457
			Chicago and Northwestern Railway (M151.2)	*458
			Peoria Lock and Dam	*459
			Upstream County Boundary	*461
		Kickapoo Creek	Downstream of Adams Street	*460
			Adams Street	*464
			Illinois Highway 116	*478
			Farmington Road	*484
			Johnson Road	*486
			Main Street (extended)	*490
			Confluence of Big Hollow Creek	*493
			U.S. Interstate 474	*494
			Koerner Road (extended)	*495
			Confluence of Deer Lick	*505
			New County Road 18	*507
			Illinois Highway 8	*510
			Confluence of Warsaw Run	*513
			Confluence of Rupp Run	*516
			Kramm Road	*519
			Confluence of Nixon Run	*520
			Confluence of West Fork Kickapoo Creek	*528
			U.S. Interstate 74	*531
			U.S. Interstate 150	*535

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Confluence of Jubilee Creek	*540
			County Road No. 5	*548
			Confluence of Fargo Run	*549
			County Road No. 21	*560
		Spoon River	Downstream County Boundary	*608
			County Road No. 6	*610
			White Road	*614
			Illinois Highway 78	*618
			Laura Road	*621
			Maher Road	*625
			Upstream County Boundary	*626
Maps are available at the County Courthouse, on the bulletin board, 300 Main Street, Peoria, Illinois.				
New Jersey	Westampton (Township), Burlington County (Docket No. FI-4470).	Rancocas Creek	Bridge Street—50 feet upstream from centerline	*11
			New Jersey Turnpike—50 feet upstream from centerline	*11
		North Branch Rancocas Creek	Mount Holly Bypass—100 feet downstream from centerline	*11
		Mill Creek	Rancocas-Springside Road—100 feet upstream from centerline	*32
			Interstate 295—80 feet downstream from centerline	*37
		Tributary to Mill Creek	300 feet upstream of confluence with Mill Creek	*33
			Woodlane Road—100 feet downstream from centerline	*49
		Tributary to Assiscunk Creek	Oxmead Road—20 feet upstream from centerline	*42
Maps available at Township Hall, Mount Holly-Rancocas Road, Mount Holly, New Jersey.				
Pennsylvania	Hamburg, Borough, Berks County (Docket No. FI-2815).	Kaercher Creek	Upstream Corporate Limits	*405
			Upstream side of Pine Street	*389
			Upstream side of South 4th Street	*371
			Peach Alley	*365
			Upstream side of CONRAIL	*360
			Upstream side of PA Route 61	*348
		Mill Creek	Upstream Corporate Limits	*416
			Franklin Street	*394
			State Street	*380
			South 3rd Street	*368
			Conrail	*362
			Front Street	*357
		Schuylkill River	Upstream Corporate Limits	*390
			Mountain Avenue (extended)	*365
			Route 22	*362
			Island Street (extended)	*360
			State Street	*357
			Pa. Route 61	*355
			Confluence with Mill Creek	*352
			Downstream Corporate Limits	*341
			South 4th Street	*350
		Unnamed Tributary of the Schuylkill River.	Conrail	*343
Maps are available at the Borough Office, 31 North Third Street, Hamburg, Pennsylvania.				
Pennsylvania	Northampton Township, Bucks County (Docket No. FI-3131).	Neshaminy Creek	Downstream Corporate Limits	*65
			Bridgetown Pike	*73
			Buck Road (Upstream Side)	*90
			Park Bridge Dam	*105
			Second Street Pike (Upstream Side)	*128
			Conrail	*136
		Tributary to Neshaminy Creek	Stony Ford Road	*81
			400' downstream of Buck Road	*110
		Little Neshaminy Creek	Sacketts Ford Road	*136
			Grenoble Road	*153
			Upstream Corporate Limits	*167
		Mill Creek	Bridgetown Pike	*65
			Dam (Downstream Side)	*69
			Dam (Upstream Side)	*88
			Upstream Corporate Limits	*90
		Pine Run	Bridgetown Pike (Upstream Side)	*68
			Wooden Bridge Road (Upstream Side)	*107
			Dam	*121
			40' downstream of Conrail	*139
		Ironworks Creek	50' upstream of Chinquapin Road	*89
			Chinquapin Road (Downstream Side)	*94
			Churchville Dam (Upstream Side)	*135
			Elm Avenue (Upstream Side)	*138
			Lower Holland Pike (Downstream Side)	*170
			Lower Holland Pike (Upstream Side)	*176
			Willow Road (Upstream Side)	*178
			Second Street Pike (Downstream Side)	*211
			Second Street Pike (Upstream Side)	*216
			Almshouse Road	*260

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary to Ironworks Creek	Brook Drive (Upstream Side)	*143
			Aqua Drive (Upstream Side)	*155
			Cameron Drive (Downstream Side)	*159

Maps are available at the Northampton Township Building, 55 Township Road, Richboro, Pennsylvania.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: August 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-27279 Filed 8-31-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5692]

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free (800) 424–9080), Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Irvine (City), Orange County (Docket No. FI-5148).	Bonita Creek	New McArthur Boulevard at centerline	*36
			Coyote Canyon Road—60 feet downstream from centerline	*164
			Coyote Canyon Road—20 feet upstream from centerline	*173
		Coyote Canyon Wash	Coyote Canyon Road—40 feet upstream from centerline	*181
		Laguna Road Wash	San Diego Freeway Culvert—50 feet upstream from centerline	*184
			Laguna Freeway—at centerline	*222
		Sand Canyon Wash	University Drive—100 feet upstream from centerline	*24
			Ridgeline Drive—50 feet upstream from centerline	*98
			At Sand Canyon Reservoir	*197
		San Diego Creek	Sand Canyon Avenue—at centerline	*145
			Laguna Freeway (State Route 133)—at centerline	*171
			Interstate Highway 5 (San Diego Freeway)—100 feet upstream from centerline.	*255
		San Diego Creek Tributary 1	At confluence with San Diego Creek	*220
		Serrano Creek	Interstate Highway 5—at centerline	*251
			Atchison, Topeka and Santa Fe Railway—100 feet downstream from centerline.	*303
			Atchison, Topeka and Santa Fe Railway—50 feet upstream from centerline.	*310
		Valencia Storm Channel	Culver Drive—50 feet upstream from centerline	*68
		Peters Canyon Wash	North of intersection of Harvard Avenue and Atchison, Topeka and Santa Fe Railway.	*58

Maps available at City Hall, 17200 Jamboree Road, Irvine, California.

California	La Habra (City), Orange County (Docket No. FI-4742).	Coyote Creek Channel	Imperial Highway and Beach Boulevard—40 feet upstream from centerline.	*211
			Idaho Street—50 feet upstream from centerline	*231
			Lambert Road—50 feet upstream from centerline	*238
			La Habra Boulevard—20 feet upstream from centerline	*377
			Hodson Avenue—20 feet upstream from centerline	*385

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Walling Avenue—20 feet upstream from centerline	*400
		La Mirada Creek	Intersection of Oakland Drive and Dexford Drive	#1
			Between Rigsby Street and Dexford Drive	#1
			Intersection of Whittier Boulevard and Chantry Drive	#1
	Maps available at Civic Center, La Habra, California.			
California	Palo Alto (City), Santa Clara County (Docket No. FI-5163).	San Francisco Bay	At Palo Alto Municipal Airport	*7
			At intersection of Fabian Way and Charleston Road	*7
		Matadero Creek	At intersection of Park Boulevard and Lambert Avenue	*30
		San Francisquito Creek	At intersection of Byron Street and Everett Avenue	#1
			At intersection of Channing Avenue and Greer Road	#2
		Adobe Creek	At intersection of Park Boulevard and Whitclem Drive	#2
	Maps available at City Hall, 250 Hamilton, Palo Alto, California.			
California	Petaluma (City), Sonoma County (Docket No. FI-5164).	Petaluma River	East Washington Street—200 feet upstream from centerline	*12
			Confluence with Capri Creek	*18
			Old U.S. Highway 101 (Redwood Highway)—10 feet upstream from centerline.	*32
		Willow Brook	U.S. Highway 101—50 feet upstream from centerline	*36
		Thompson Creek	At intersection of G Street and 8th Street	#2
		Kelly Creek	At intersection of F Street and 8th Street	#1
	Maps available at City Hall, Petaluma, California.			
California	Placentia (City), Orange County (Docket No. FI-4832).	Carbon Creek Channel	Orange Freeway—200 feet downstream from centerline	*198
			Orange Freeway—150 feet upstream from centerline	*205
		Carbon Canyon Channel	Chapman Avenue—50 feet downstream from centerline	*240
			Chapman Avenue—120 feet upstream from centerline	*245
			Palm Drive—40 feet upstream from centerline	*281
		Atwood Channel	Atchison, Topeka and Santa Fe Railway—100 feet upstream from centerline.	*244
			Lakeview Avenue—10 feet upstream from centerline	*258
			Lee Ana Street—at centerline	#1
	Maps available at Civic Center, 401 East Chapman Avenue, Placentia, California.			
Connecticut	Granby, Town, Hartford County (Docket No. FI-5445).	Salmon Brook	Downstream Corporate Limits	*166
			Confluence of East and West Branches of Salmon Brook	*167
		East Branch Salmon Brook	Upstream of State Route 20	*184
			Upstream of U.S. Route 202 and State Route 10	*187
			Upstream Mechanicsville Road Bridge	*195
			Upstream Wells Road Bridge	*219
			Upstream of East Street Bridge	*277
		West Branch Salmon Brook	Downstream U.S. Route 202 and State Route 10	*176
			Upstream of Simsbury Road	*288
			Downstream of Broad Hill Road	*359
	Maps are available at the Town Hall, 15 North Granby Road, Granby, Connecticut.			
Maine	Sabattus, Androscoggin County (Docket No. FI-5385).	Sabattus River	Approximately 4090 feet downstream of Crowley Road at southern corporate limts.	*188
			Just upstream of Crowley Road	*201
			Just upstream of Interstate 95	*202
			Just upstream of Old Lisbon Road	*204
			Just upstream of State Route 126	*207
			Just downstream of Sabattus River Dam	*209
			Just upstream of Sabattus River Dam	*219
			Just upstream of Main Street	*222
			Approximately 200 feet downstream of Greene Street	*226
			Just downstream of Greene Street	*230
			Just upstream of Greene Street	*237
			Approximately 200 feet upstream of Green Street	*241
			Just downstream of Sabattus Pond Dam	*243
			Just upstream of Sabattus Pond Dam	*248
		Sabattus Pond Maxwell Brook	Shoreline Areas	*248
			Confluence with Sabattus River	*202
			Just upstream of Interstate 95	*203
			Just upstream of Centre Road	*210
			Just upstream of Furbush Road	*212
			Just upstream of Bowdoin Road	*217
	Maps available at Town Office, Main Street, Sabattus, Maine 04280.			
New Jersey	Bellmawr (Borough), Camden County (Docket No. FI-5064).	Big Timber Creek	Intersection of Buchanan Avenue and Creek Road	*10
			Crossing of Interstate Highway 295 at Big Timber Creek	*10
	Maps available at Borough Hall, 21 East Browning Road, Bellmawr, New Jersey.			
New Jersey	Montville (Township), Morris County (Docket No. FI-5178).	Passaic River	Most downstream Corporate Limits—at centerline	*173
			Horseneck Road—80 feet upstream from centerline	*173
			Interstate Highway 80—100 feet upstream from centerline	*173
			Bloomfield Avenue—100 feet upstream from centerline	*173
			Confluence with Rockaway River—at centerline	*173
		Rockaway River	Riverside Drive—60 feet upstream from centerline	*174
			Interstate Highway 80—100 feet upstream from centerline	*176
			Vail Road—60 feet upstream from centerline	*178
			Hiawatha Boulevard—100 feet upstream from centerline	*178

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Knoll Road—100 feet downstream from centrerline	*180
			Knoll Road—200 feet upstream from centerline	*182
		Hatfield Creek	Change Bridge Road—50 feet upstream from centerline	*177
			Gathering Road—20 feet upstream from centerline	*178
			Charlemagne Place—50 feet upstream from centerline	*184
			Brittany Road—100 feet downstream from centerline	*192
			Brittany Road—60 feet upstream from centerline	*194
		Crooked Brook	River Road—80 feet downstream from centerline	*180
			River Road—40 feet upstream from centerline	*182
			Church Lane—40 feet upstream from centerline	*192
			Miller Lane—60 feet upstream from centerline	*196
			U.S. Route 202—20 feet upstream from centerline	*210
			Nowak Lane—40 feet upstream from centerline	*217
			Valhalla Road—30 feet upstream from centerline	*243
			Dam upstream of Valhalla Road—30 feet downstream from centerline	*256
			Dam upstream of Valhalla Road—20 feet upstream from centerline	*266
			Conrail upstream of Valhalla Road—70 feet downstream from centerline.	*280
			Conrail upstream of Valhalla Road—90 feet upstream from centerline.	*285
			Second Conrail upstream of Valhalla Road—30 feet upstream from centerline.	*290
			Vista Road—80 feet upstream from centerline	*376
		Crooked Brook Tributary	Interstate Highway 287—100 feet upstream from centerline	*211
			River Road—50 feet upstream from centerline	*241
			Dam upstream of River Road—20 feet downstream from centerline	*280
			Dam upstream of River Road—30 feet upstream from centerline	*297
			Taylortown Road—30 feet upstream from centerline	*304
		Beaver Brook	Jacksonville Road—100 feet upstream from centerline	*193
		Stony Brook	Confluence with Taylortown Reservoir Branch	*587
	Maps available at Municipal Building, 86 River Road, Montville, New Jersey.			
New Jersey	Verona (Borough), Essex County (Docket No. FI-5066).	Peckman River	Ozone Avenue—10 feet upstream from centerline	*306
			Linden Avenue—80 feet upstream from centerline	*329
			Bloomfield Avenue—30 feet upstream from centerline	*338
			At upstream corporate limits	*352
	Maps available at Borough Hall, 600 Bloomfield Avenue, Verona, New Jersey.			
New York	Alfred (Village) Allegany County (Docket No. FI-5071).	Canacadea Creek	Corporate limits—at centerline	*1,650
			Footbridge—40 feet upstream from centerline	*1,704
			Pine Street—80 feet upstream from centerline	*1,722
			Terrace Street—50 feet downstream from centerline	*1,796
			Terrace Street—40 feet upstream from centerline	*1,802
			South Main Street (1st crossing)—50 feet upstream from centerline	*1,851
		Tributary 15	North Main Street—40 feet upstream from centerline	*1,684
			New York State Route 244—55 feet upstream from centerline	*1,717
		Tributary 16	North Main Street—50 feet upstream from centerline	*1,707
			Hillcrest Drive—80 feet upstream from centerline	*1,737
		Tributary 17	North Main Street—40 feet upstream from centerline	*1,726
			Elm Street—60 feet upstream from centerline	*1,756
			Dam—40 feet upstream from centerline	*1,769
			West University Street (1st crossing)—60 feet upstream from centerline.	*1,812
			West University Street (2nd crossing)—40 feet downstream from centerline.	*1,850
			West University Street (2nd crossing)—60 feet upstream from centerline.	*1,856
		Tributary 18	Confluence with Canacadea Creek—at centerline	*1,908
			Corporate limits—at centerline	*1,929
	Maps available at Village Hall, 7 West University Street, Alfred, New York.			
New York	Almond (Village), Allegany County (Docket No. FI-5073).	Canacadea Creek	Depot Road—10 feet upstream from centerline	*1,327
			Canacadea Street—30 feet upstream from centerline	*1,330
			Upstream corporate limits	*1,354
		Karr Valley Creek	Main Street (State Route 21)—50 feet downstream from centerline	*1,336
			Main Street (State Route 21)—25 feet upstream from centerline	*1,341
	Maps available at Municipal Building, Almond, New York.			
New York	North Harmony, Town, Chautauqua County (Docket No. FI-5345).	Ball Creek	New York Route 394 (Upstream)	*1,319
			Old Route 394 (Upstream)	*1,316
			Footbridge 1,672 feet downstream from Old Route 394 (Upstream)	*1,313
			Watson Road (Upstream)	*1,310
			Confluence with Chautauqua Lake	*1,310

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Goose Creek	County Road No. 37 Bridge (Upstream)	*1,324
			County Road No. 68 Bridge (Upstream)	*1,321
			North Harmony Corporate Limits 1,650 feet upstream from Route 394 Bridge.	*1,317
			Route 394 Bridge (Upstream)	*1,315
			Downstream Corporate Limits	*1,312
		Goose Creek Tributary	Upstream Corporate Limits	*1,336
			County Road Number 37 (Upstream)	*1,334
			Hunt Road (Upstream)	*1,328
			County Road No. 37, 90 feet upstream from Cedar Road (Upstream)	*1,324
			Stewar Road (Upstream)	*1,321
	Maps are available at the North Harmony Town Hall, Stow, New York.			
North Dakota	Bathgate (City), Pembina County (Docket No. FI-5075).	Tongue River	5th Street—at centerline	*819
			1st Street—at centerline	*821
	Maps available at Fire Department, Bathgate, North Dakota.			
Ohio	Conneaut, Ashtabula County (Docket No FI-5469).	Conneaut Creek	Mouth at Lake Erie	*577
			1600 Feet downstream of Conrail	*577
			Approximately 300 feet downstream of Conrail	*581
			Just upstream of Conrail	*588
			Approximately 900 feet downstream of State Route 7	*594
			Just downstream of State Route 7	*598
		Lake Erie	Entire shoreline in Conneaut	*577
	Maps available at Town Office, Conneaut, Ohio 44030.			
Oregon	Oregon City (City) Clackamas County (Docket No. FI-5111).	Willamette River	Interstate 205 Bridge—70 feet upstream from centerline	*45
			Oregon City-West Linn Bridge—70 feet upstream from centerline	*46
		Clackamas River	McLoughlin Boulevard—50 feet upstream from centerline	*44
			Portland Traction Company Railroad—50 feet downstream from centerline.	*44
		Abernethy Creek	South Pacific Railroad Trestle—30 feet upstream from centerline	*45
			Washington Street—40 feet upstream from centerline	*45
	Maps available at City Hall, 7th and John Adams, Oregon City, Oregon.			
Pennsylvania	Collegeville, Borough, Montgomery County (Docket No. FI-5350).	Perkiomen Creek	Downstream Corporate Limits	*117
			Upstream side of U.S. Route 422	*120
			Upstream Corporate Limits	*123
		Donny Brook Run	Downstream Corporate Limits	*128
			Downstream side of Clayhon Road	*142
			Downstream side of Private Road below dam	*153
			Downstream side of West Fifth Avenue	*157
			Upstream side of West Fifth Avenue	*166
			Upstream side of Sixth Avenue	*167
			Downstream side of Eighth Avenue	*171
			Downstream side of Eleventh Avenue	*182
			Upstream Corporate Limits	*188
	Maps are available at the Collegeville Borough Office, by appointment.			
Pennsylvania	Goldsboro, Borough, York County (Docket No. FI-5487).	Susquehanna River	Downstream Corporate Limits	*297
			Upstream Corporate Limits	*298
		Fishing Creek	Confluence with Susquehanna River	*297
			York Street	*297
			Weir 500 feet downstream of Pines Road	*310
			Pines Road	*313
	Maps are available at the residence of the Borough Secretary, Goldsboro, Pennsylvania.			
Pennsylvania	Hallam, Borough, York County (Docket No. FI-5435).	Kreutz Creek	Southeastern Corporate Limit	*328
			1,000 feet west of Southeastern Corporate Limits	*338
			Upstream of confluence of Tributary D	*343
			Upstream of confluence of Tributary E	*347
		Tributary D	Covered Bridge over Dirt Road	*347
			East Forry Street	*366
			Cherry Avenue	*379
			Corporate Limit	*381
		Tributary E	Corporate Limit	*352
	Maps are available at the residence of Mr. William Linneman, 123 South Prospect Street, Heilam, Pennsylvania.			
Pennsylvania	Kennedy, Township, Allegheny County (Docket No. FI-5436).	Ohio River Back Channel	Downstream Corporate Limits	*720
			Downstream side of Emsworth Back Channel Dam	*720
			Upstream side of Emsworth Back Channel Dam	*721
			Upstream Corporate Limits	*721
		Chartier's Creek	Downstream Corporate Limits	*734
			Upstream side of Round House Bridge	*735
			Upstream Corporate Limits	*738
	Maps are available at the Kennedy Township Municipal Building.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Lower Chanceford, Township York County (Docket No. FI-5437).	Susquehanna River	Upstream Township Limits	*189
			Upstream side of Holtwood Dam	*183
			Downstream side of Holtwood Dam	*155
			Downstream Township Limits	*117
	Maps are available at the Lower Chanceford Township Building.			
Pennsylvania	Meshoppen, Township, Wyoming County (Docket No. FI-5365).	Susquehanna River	Downstream Corporate Limits	*638
			Upstream Corporate Limits	*650
		Meshoppen Creek	Downstream Corporate boundary between Meshoppen Borough and Meshoppen Township.	*663
			Approximately 1 mile upstream of downstream Corporate Limit	*702
			L. R. 65037 Bridge	*760
			Upstream Corporate Limits	*773
		Little Meshoppen Creek	Downstream Corporate Limits	*670
			Confluence of Tributary #1	*713
			Downstream side of Pa. 267 Bridge	*786
			Upstream side of dam	*796
			Upstream Corporate Limits	*800
	Maps are available at the residence of Mr. William Vancheski, Meshoppen, Pennsylvania, by appointment.			
Pennsylvania	North Strabane, Township, Washington County (Docket No. FI-5439).	Chartiers Creek	Morganza Road	922
			Curry Avenue	*925
			Enclid Avenue	*928
			Central Avenue	*934
			Jefferson Avenue	*936
			Strabane Avenue	*948
			Main Street	*953
			8,550 feet upstream of Johnson Road to limit of Detailed Study	*973
		Little Chartiers Creek	Route 19	*923
			Galley Road	*928
			Confluence with Tributary No. 8	*942
			Confluence with Tributary No. 7	*951
			Linden Road	*960
			Sportsman Club Private Road	*963
			Route 519	*973
			Gristy Road	*984
			Route 136	*992
	Maps are available at the North Strabane Township Building, Route 519 South, South Canonsburg, Pennsylvania.			
Pennsylvania	North Versailles, Township, Allegheny County (Docket No. FI-5400).	Monogahela River	Upstream Corporate Limits	*743
			Port Perry Bridge	*741
		Turtle Creek	Wallborough Bridge (Upstream side)	*750
			Greensburg Pike (Upstream side)	*735
		Crooked Run	Private Drive (Upstream side) 1,600' upstream of Arcannia Street	*854
			Arcannia Street (Upstream side)	*830
			Downstream Corporate Limits	*816
		Thompson Run	Upstream Corporate Limits	*732
			Confluence with Turtle Creek	732*
	Maps are available at the Township Building, 1401 Greensburg, North Versailles, Pennsylvania.			
Pennsylvania	Ridgeway, Borough, Elk County (Docket No. FI-5401).	Clairon River	Downstream side of Main Street	*1,375
			Downstream side of Dam	*1,379
			Upstream side of Dam	*1,383
		Elk Creek	Confluence with Clarion River	*1,376
			Upstream side of North Broad Street	*1,377
			200 feet upstream of Depot Street	*1,380
			Downstream side of Conrail	*1,398
			900 feet upstream of Conrail	*1,400
		Gallagher Run	Confluence with Elk Creek	*1,376
			9,350 feet upstream of North Broad Street at Driveway	*1,384
			Upstream side of Depot Street	*1,394
			Downstream side of Main Street	*1,400
			4,550 feet upstream of Main Street at Driveway	*1,410
			8,550 feet upstream of Main Street	*1,421
			13,700 feet upstream of Main Street at Footbridge	*1,432
	Maps are available at the Municipal Building, 108 Main Street, Ridgway, Pennsylvania.			
Pennsylvania	Stowe, Township, Allegheny County (Docket No. FI-5441).	Ohio River	Upstream Corporate Limits	*725
			Downstream Corporate Limits	*721
	Maps are available at the Stowe Township Building, 1301 Island Avenue, McKees Rocks, Pennsylvania.			
Pennsylvania	Upper Allen, Township, Cumberland County (Docket No. FI-5406).	Yellow Breechs Creek	Lisburn Road	*376
			Wharf Road	*380
			Macadam Road	*395
			Pa. Route 114	*399
			Bishop Road	*404

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Gilbert Road	*413
			Macadam Drive	*416
			Conrail	*419
			Grantham Road	*419
		Trout Run	College Avenue	*413
			Conrail	*413
			Grantham Road	*413
			Mill Road	*413
			U.S. Route 15	*427
			Gettysburg Pike	*430
			Dirt Lane	*430
			Lisburn Road	*436
			Corporate Limits	*447
	Maps are available at the Upper Allen Township Office.			
Pennsylvania	West Mifflin, Borough, Allegheny County (Docket No. FI-5468).	Monongahela River	Downstream side of Lock and Dam #2	*740
			Upstream side of Lock and Dam #2	*741
			Corporate Limits (0.28 mile upstream of dam)	*741
			3.04 miles upstream of Lock and Dam #2	*743
			4.54 miles upstream of Lock and Dam #2	*745
			6.84 miles upstream of Lock and Dam #2	*746
	Maps are available at the Borough Building, West Mifflin, Pennsylvania.			
Washington	Lake Forest Park (City), King County (Docket No. FI-5025).	Lyon Creek	Bothel Way—100 feet upstream from centerline	*29
			40th Avenue NE—80 feet upstream from centerline	*80
			Ballinger Road—40 feet upstream from centerline	*120
		McAleer Creek	Northeast 170th Street—20 feet upstream from centerline	*29
			Northeast 178th Street—10 feet upstream from centerline	*60
	Maps are available at City Hall, 17711 Ballinger Way, Northeast, Seattle, Washington.			
Wisconsin	Kewaunee, Kewaunee County (Docket No. FI-5412).	Kewaunee River	Mouth at Lake Michigan	*584
			5,460 feet downstream of County Highway E	*584
			Just upstream of County Highway E	*585
			4,830 feet upstream of County Highway E	*588
		Lake Michigan	General Shoreline	*584
	Maps are available at City Hall, City Clerk's Office, 413 Milwaukee, Kewaunee, Wisconsin 54216.			
Wyoming	Lincoln County, Unincorporated Areas (Docket No. FI-5082).	Hams Fork	Frontier Highway Bridge—100 feet upstream from centerline	*6,917
	Maps are available at Lincoln County Courthouse, Kemmerer, Wyoming.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: August 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-27280 Filed 8-31-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79-01; Notice 3]

Federal Motor Vehicle Safety Standards; New Pneumatic Tires for Passenger Cars

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

ACTION: Final rule.

SUMMARY: Pursuant to petitions by the Rubber Manufacturers Association (RMA), and Dunlop Tire and Rubber Corporation (Dunlop), this notice amends Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars,* by adding certain tire size designations to Appendix A of that standard. This amendment permits the introduction into interstate commerce of the new tire sizes.

EFFECTIVE DATE: October 4, 1979 if objections are not received before that date.

ADDRESS: Comments should refer to Docket No. 79-01 and be submitted to Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John Diehl, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–1714).

SUPPLEMENTARY INFORMATION: According to agency practice, the National Highway Traffic Safety Administration (NHTSA) responds to petitions for adding new tire sizes to Table I of Appendix A of Standard No. 109 by quarterly issuing final rules under an abbreviated rulemaking procedure for expediting such routine amendments. Guidelines for this procedure were published at 33 FR 14964, October 5, 1968, and amended at 36 FR 8298, May 4, 1971; 36 FR 13601, July 22, 1971; and 39 FR 28980, August 13, 1974. These guidelines provide that these final rules become effective 30 days after their date

of publication if no comments objecting to them are received by NHTSA during this 30-day period. If objections are received, regular rulemaking procedures for issuing and amending motor vehicle safety standards are initiated.

On March 22, 1979, RMA petitioned for the addition of a new tire size to an existing table within Table I of Appendix A of Standard No. 109. RMA also petitioned on March 28, June 4, June 19, and June 28, 1979, for the addition of five other tire sizes to existing tables in Table I. Dunlop petitioned on April 6, 1979, for the addition of a new table to Table I, and for a new tire size to be included in that table. The bases for accepting or denying requests to add new tire size designations are set forth in the introductory guidelines to Appendix A. Briefly, the tests are the appropriateness of the information submitted for inclusion in the tire tables, and the appropriateness of the requested location within the tables of the requested tire sizes. The seven new tire size designations requested to be added to Standard No. 109 appear to meet these criteria. Accordingly, the Dunlop and RMA, petitions are granted, and seven new tire sizes are added to Table I of Appendix A of the standard pursuant to the abbreviated rulemaking procedure.

In consideration of the foregoing, 49 CFR 571.109 is amended as specified below, subject to the 30-day comment period outlined above:

§ 571.109 New Pneumatic Tires—Passenger Cars [Appendix amended]

1. In Tables I–S, I–JJ, I–KK, I–LL, and I–VV, the following new tire size designations and corresponding values are added:

BILLING CODE 4910-59-M

TABLE I - S

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size 1/ designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width 2/ (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
215/60R15	1135	1170	1175	1235	1300	1360	1415	1470	1525	1575	1630	1680	1725	7	34.93	8.85

1/ The letter "B", "D" or "Y" may be included in any tire size designation adjacent to the "R".

2/ Actual section width and overall width shall not exceed the specified section width by more than 7 percent

TABLE I - TT

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/70' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P185/70R14	385	415	445	470	495	520	545	565	590	5	787	184
P215/70R15	520	565	600	640	675	705	735	765	795	6	883	216

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

TABLE I - KK

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/60' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P205/60R13	375	405	435	460	485	510	535	555	575	5½	766	203
P225/60R14	465	505	535	570	600	630	660	685	710	6	834	223

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

TABLE I - LL

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR T-TYPE SERIES 60 psi TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)	Test rim width (inches)	Minimum size factor (inches)	Section 2/ width (inches)
	60 psi			
T145/80D16	2260 pounds	4	30.39	4.57

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

TABLE I - VV

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/60' SERIES ISO TYPE TIRES all millimetric ER or JM rims

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
205/60R390	425	460	490	520	545	575	600	625	650	150	830	255

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

2. A new table, Table I-UU, is added to Table I of Appendix A to read as set forth below:

TABLE I - UU

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/75' SERIES ISO TYPE TIRES FOR DL MILLIMETRIC RIMS

Tire size 2/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa) 1/									Test rim width (inches)	Minimum size factor (mm)	Section 3/ width (mm)
	120	140	160	180	200	220	240	260	280			
195/75R370	465	500	535	565	595	625	655					

1/ The designated cold inflation pressures may be increased to a maximum of 300 kPa* to meet special vehicle erformance requirements with no increase in load.

2/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

3/ Actual section width and overall width shall not exceed the specified section width by more than the amount specified in Sec. 4.2.2.2.

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

BILLING CODE 4910-59-C

Interested persons are invited to submit comments on these additions. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

Note.—The agency has reviewed the impacts of this rule and determined that they are minimal and that this is not a significant regulation within the meaning of Executive Order 12044.

The program official and attorney principally responsible for the development of this rule are John Diehl and Stephen Kratzke, respectively.

(Secs. 103, 119, 201 and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421 and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8))

Issued on August 28, 1979.

A. C. Malliaris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 79-27436 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Rev. S. O. 1317-A]

Car Service: Brandon Corp. Authorized To Operate Over Tracks Formerly Operated by South Omaha Terminal Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1317-A.

SUMMARY: Since an emergency no longer exists, Revised Service Order No. 1317 is vacated effective 11:59 p.m., August 27, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

Decided August 27, 1979.

Upon further consideration of Revised Service Order No. 1317 (43 FR 35718 and 44 FR 12041), and good cause appearing therefore:

It is ordered: § *1033.1317 Revised Service Order No. 1317* Brandon Corporation authorized to operate over tracks formerly operated by South Omaha Terminal Railway Company is vacated effective 11:59 p.m., August 27, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Robert S. Turkington, not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-27418 Filed 8-31-79; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1336-A]

Car Service; Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1336-A.

SUMMARY: Since an emergency no longer exists, Service Order No. 1336 is vacated effective 11:59 p.m., August 27, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

Decided: August 27, 1979.

Upon further consideration of Service Order No. 1336 (43 FR 40020; 44 FR 3713 and 42698), and good cause appearing therefore:

It is ordered: § *1033.1336 Service Order No. 1336-A* Missouri-Kansas-Texas Railroad Company authorized to operate over tracks of St. Louis-San Francisco Railway Company is vacated effective 11:59 p.m., August 27, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Robert S. Turkington, not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-27417 Filed 8-31-79; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1395]

Car Service; Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Authorize to Operate Over Tracks of Indiana Harbor Belt Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1395.

SUMMARY: Service Order No. 1395 authorizes the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to operate over tracks of Indiana Harbor Belt Railroad Company between North Harvey, Illinois, and Gibson, Indiana.

EFFECTIVE DATE: 12:01 a.m., September 1, 1979, until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Decided: August 27, 1979.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized by Service Order No. 1390 to operate over Consolidated Rail Corporation (CR) tracks between Gibson, Indiana, and Terre Haute, Indiana. MILW has been authorized to operate between North Harvey, Illinois, and Gibson, Indiana, over Indiana Harbor Belt Railroad Company (IHB) tracks under trackage rights granted by the Commission. Since MILW has not used all of these trackage rights, there is a question as to the present status of these rights.

MILW needs to operate over IHB tracks between North Harvey and Gibson in order to gain access to CR tracks at Gibson. Use of these IHB tracks by MILW will permit MILW to perform operations authorized by Service Order No. 1390.

MILW will enter into a new trackage rights agreement with IHB between North Harvey and Gibson. IHB has agreed to use of these tracks by MILW. The MILW will use these trackage rights only as bridge rights except that MILW is permitted to pick up and set out Truck-Rail-Truck traffic at Gibson Yard on tracks specified by IHB. MILW will file an application with the Commission for permanent operating authority over these tracks.

It is the opinion of the Commission that an emergency exists requiring

operation of MILW trains over these tracks of IHB in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1395 Service Order No. 1395.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Indiana Harbor Belt Railroad Company.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to operate over tracks of Indiana Harbor Belt Railroad Company (IHB) between North Harvey, Illinois, IHB milepost 13.7, and Gibson, Indiana, Consolidated Rail Corporation milepost 4.3, a distance of approximately 11.7 miles.

MILW will be permitted to use these trackage rights as bridge rights only except MILW is permitted to pick up and set out Truck-Rail-Truck traffic at Gibson Yard on tracks specified by IHB.

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

(c) *Rates applicable.* Inasmuch as this operation by MILW over tracks operated by IHB is due to MILW's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW until tariffs naming rates and routes specifically applicable via trackage rights authorized by this service order become effective.

(d) In transporting traffic over these lines MILW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Nothing herein shall be considered as a prejudgment of the application of MILW seeking authority to operate over these tracks.

(f) *Effective date.* This order shall become effective at 12:01 a.m., September 1, 1979.

(g) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Robert S. Turkington not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-27416 Filed 8-31-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 280

Pacific Tuna Fisheries; Miscellaneous Amendments

SUMMARY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Final regulations.

SUMMARY: This document extends the 1978 regulations for the 1979 fishing season and changes landing percentages for long trips of small seiners. Certain dates are also changed in order to conform to the 1979 fishing season. These regulations are published by the National Oceanic and Atmospheric Administration to implement conservation measures of the Inter-American Tropical Tuna Commission.

EFFECTIVE DATE: August 28, 1979.

FOR FURTHER INFORMATION CONTACT: J. Gary Smith, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, Telephone: (213) 548–2518.

SUPPLEMENTARY INFORMATION: The proposed rulemaking of July 30, 1979 (44 FR 44577), noted that the Commission's Resolution for 1979 proposed no changes in the conservation program for the 1979 fishing season. In considering the Commission's Resolution, the National Marine Fisheries Service proposed only to change dates in order to conform to the 1979 fishing season.

A public hearing was held at the Southwest Regional Office, National Marine Fisheries Service, Terminal Island, California, on July 25, 1979, to discuss the proposed final regulations.

It was proposed by the National Marine Fisheries Service that the dates "1977" and "1978" be removed and the dates "1978" and "1979" be substituted as appropriate wherever those dates appear in Sections 280.6 and 280.10(c). These technical and conforming changes were unopposed and are adopted for 1979.

In addition, one spokesman suggested that it would be less confusing if the amount of tuna that could be landed from extended trips be made identical for vessels of 300 short tons carrying capacity and for vessels of 301–400 short tons carrying capacity. This will have no impact on the management of the small boat allotment and the suggestion is adopted for 1979. Therefore, any vessel of 301–400 short tons carrying capacity that is on a fishing voyage longer than 70 days and any vessel of 300 short tons carrying capacity or less that is on a fishing voyage longer than 50 days may land 25 percent yellowfin tuna by round weight of its short ton carrying capacity.

These amendments are issued under the authority contained in subsection (c) of Section 6 of the Tuna Conventions Act of 1950, as amended 16 USC 995(c), as modified by Reorganization Plan No. 4 effective October 3, 1970 (35 FR 15627).

The Assistant Administrator, National Oceanic and Atmospheric Administration finds that because (1) fishing resulting in incidental catch of yellowfin tuna has begun, and (2) fishermen are familiar with the contents of these regulations, there is good cause to make these regulations effective immediately.

Signed at Washington, D.C. this 22nd day of August, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 951–961)

Title 50 is amended by revising Part 280 to read as follows:

§§ 280.6, 280.10 [Amended]

1. Strike "1977" and "1978" and substitute "1978" and "1979" as appropriate wherever those dates appear in §§ 280.6 and 280.10(c).

2. Section 280.7 is amended by revising paragraphs (a)(2)(ii) and (iii)

§ 280.7 Provisions for fishing inside CYRA on closed season trips.

(a) * * *

(1) * * *

(2) * * *

(ii) Any vessel of 301–400 short tons carrying capacity shall not be permitted

to land yellowfin tuna in excess of 50 percent by round weight of its total catch; except, that any such vessel which is on a fishing voyage longer than 70 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity.

(iii) Any purse seiner of 300 short tons carrying capacity or less shall not be permitted to land yellowfin in excess of 70 percent by round weight of its total catch; except, that any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity.

* * * * *

[FR Doc. 79-27452 Filed 8-31-79; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 172
Tuesday, September 4, 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.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 123]

[Amdt. 16]

Conforming to Presidential Declarations in Areas Declared Major Disaster Areas

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: SBA publishes a declaration of disaster areas in which loans are available to eligible disaster victims. If the same area is declared or has been declared a major disaster area by the President, SBA will adopt all provisions of the Presidential declaration and amendments thereto which are within the parameters of SBA's legislative authority. SBA will also use the same incident date as is contained in the Presidential declaration except when the SBA incident date is prior to that of the Presidential declaration.

DATES: Comments on this proposed rule are invited and should be submitted on or before November 5, 1979.

ADDRESS: Peter F. McNeish, Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Room 800, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: John E. Moore, Director, Office of Disaster Loans, Small Business Administration, 1441 L Street N.W., 8th Floor, Washington, D.C. 20416 (653–6879)

SUPPLEMENTARY INFORMATION: This proposed regulation would formalize current policy and procedures developed between the Federal Emergency Management Agency and the Small Business Administration and is published primarily as a statement of such agreement. It confirms the policy that SBA declarations will contain all provisions of a Presidential disaster declaration which are within the parameters of SBA's Legislative authority. If SBA has published its declaration first, it will be amended if necessary to conform to the Presidential declaration and any subsequent amendments to such Presidential declaration. An exception to such amendment procedure by SBA will be made in the event that the SBA incident date is prior to the date of the Presidential declaration. This could happen because of the greater damage required for a Presidential declaration which might not have occurred before the SBA declaration was made. SBA would, in such case, retain the earlier date since assistance might already have been made available for damage dating from the earlier date.

AUTHORITY: Pursuant to the authority of sections 5(b)(6) (15 USC 634(b)) and 7(b)(1) (15 USC 636(b)) of the Small Business Act, as amended, it is proposed to amend Part 123 of Chapter I, Title 13 of the Code of Federal Regulations by adding to § 123.1(a) a new paragraph (a)(5) as follows:

§ 123.1 General

(a) *Disaster loan authority.* * * *

(5) When the President has declared that a major disaster has occurred, the SBA disaster declaration will contain all provisions of the Presidential declaration and subsequent amendments which are within the parameters of SBA's Legislative authority. An exception will be made if SBA has published its declaration first and its incident date is prior to the date of the Presidential declaration; however, should an amendment to the Presidential declaration establish an incident date prior to the SBA incident date, the SBA declaration will be amended to include the earlier incident date. The SBA declaration will also list the political subdivisions in which disaster victims are eligible to apply for SBA Loans.

(Catalog of Federal Domestic Assistance 59.008, Physical Disaster Loans.)

Dated: August 9, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-27357 Filed 8-31-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-SW-28]

Designation of Alternate Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate alternate airway V–13W between Palacios, Tex., and Humble, Tex., and alternate airway V–198S between Eagle Lake, Tex., and Sabine Pass, Tex. These new airways would improve air traffic flow by providing charted routes in areas where traffic is normally radar vectored.

DATES: Comments must be received on or before October 3, 1979.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 79–SW–28, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before October 3, 1979, will be considered before action is taken on the proposed

amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy fo this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons intersted in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate alternate vector V–13W from Palacios, Tex., to Humble, Tex., and alternate airway V–198S from Eagle Lake, Tex., to Sabine Pass, Tex. Presently aircraft proceeding to these terminal areas are enrouted via radials, or vectored in order to conform to arrival/departure routes. These alternate airways would provide charted routes that conform to the traffic flow thereby aiding flight planning and reducing controller workload. Subpart C or Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 307).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under V–13

"Humble, Tex., Lufkin, Tex.," is deleted and "Humble, Tex., included a west alternate via INT Palacios 016° and Humble 240° Humble; Lufkin, Tex.;" is substituted therefor.

Under V–198

"Sabine Pass; White Lake, La.;" is deleted and "Sabine Pass including a south alternate from Eagle Lake via INT Eagle Lake 115° and Scholes 272°, Scholes thence via Scholes 066° and Sabine Pass 247° reaials; Sabine Pass; White Lake, La.;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65).

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on Auguat 28, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-27401 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 75]

[Airspace Docket No. 79-WA-8]

Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Jet Route No. 524 by eliminating the segment more than 55 miles south of Montreal, Canada. This 48-mile segment south of the BUGSY intersection is not used and can no longer be justified as an assignment of airspace.

DATES: Comments must be received on or before October 3, 1979.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 79–WA–8, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before October 3, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) that would alter J–524 to extend from Montreal via the Montreal 188°T(203°M) radial to the intersection of the Albany, N.Y., 353°T(006°M) rather than to the Albany 343°T(356°M) radial. This action would eliminate an unused segment of J–524 which can no longer be justified as an assignment of airspace. Chart clutter would also be reduced in this area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (44 FR 722) as follows:

Under Jet Route No. 524 "Albany, N.Y., 343°" is deleted and "Albany, N.Y., 353°" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on August 27, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-27408 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Chap. I]

Informal Airspace Meeting

AGENCY: Federal Aviation Administration/DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: The Federal Aviation Administration (FAA) will hold an Informal Airspace Meeting in Louisville, Kentucky, for the purpose of discussing a plan by the FAA to establish a Group II Terminal Control Area (TCA) for the Standiford Field Airport.

DATE: October 25, 1979, 7:00 p.m. (local time).

ADDRESS: Jefferson Community College, Downtown Campus, Room LV-301, Corner of Chestnut and 2nd Streets, Louisville, Kentucky.

FOR FURTHER INFORMATION CALL: Mr. Clifford C. Monteau, FAA Southern Region, telephone (A/C 404) 763-7866 or Mr. Wilburn T. Mowdy, Standiford ATC Tower, telephone (A/C 502) 368-1611.

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 22, 1979.

Dorsey A. Adle,

Acting Chief, Air Traffic Division, Southern Region.

[FR Doc. 79-27407 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 284]

[Docket No. RM79-74]

Interstate Pipeline Transportation on Behalf of Other Interstate Pipelines; Proposed Rulemaking and Public Hearing

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (FERC) gives notice of a proposed rule which would permit interstate pipelines to transport natural gas for delivery to other interstate pipelines. A blanket certificate procedure would authorize such transportation without prior FERC approval of each individual transaction.

DATES: Request to participate at public hearing due by September 18, 1979. Public hearing on September 24, 1979. Written comments by September 24, 1979.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, Northeast, Washington, D.C. 20426 (Reference Docket No. RM79-74).

FOR FURTHER INFORMATION CONTACT: Robert C. Platt, Office of the General Counsel, 825 North Capitol Street, Northeast, Washington, D.C. 20426 (202) 357-8450.

I. Background

Section 311(a)(1) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3371(a)(1), enables the Commission to authorize transportation by an interstate pipeline on behalf of any intrastate pipeline or local distribution company. However, transportation by an interstate pipeline on behalf of a second interstate pipeline is beyond the scope of Section 311 of the NGPA. Such transportation arrangements require certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act.

This gap in the Commission's section 311 authority has placed interstate pipelines at a competitive disadvantage in attaching short-term supplies. Unlike Section 311 authorizations which can be implemented on a self-executing basis (See 18 CFR 284.100 *et. seq*), certificates under Section 7(c) of the Natural Gas Act are issued only after a case by case review. Hence, under Section 311 an intrastate pipeline or local distribution company seeking to attach short term supplies through interstate pipeline transportation may implement such a transaction without prior Commission approval. However, if an interstate pipeline sought the same supply for its customers, the transaction would require the Commission to issue at least a temporary certificate before a second interstate pipeline could transport the natural gas to the purchasing interstate pipeline.

Similarly, when attaching long term supplies, and intrastate pipeline or a local distribution company may use Subpart B of Part 284 to commence service while an application for long term authorization is pending before the Commission. The lack of a blanket certificate procedure places interstate pipelines at a competitive disadvantage in attaching such long term supplies as well. In view of the Commission's desire to increase system supplies available to interstate pipelines as well as to reduce the regulatory burden on the transporting interstate pipelines, the Commission has determined that case-by-case review of such transportation arrangements is inconsistent with the public interest at this time.

In place of individual applications directed to a single transportation arrangement, the proposed rule would allow the transporting interstate pipeline to apply for a one time blanket certificate which would authorize all transportation services on behalf of other interstate pipelines for periods of up to two years. Although such transportation would remain subject to the Commission's Natural Gas Act jurisdiction, the terms and conditions attached to the certificate would be identical to those imposed by Subpart B of Part 284.

The construction of facilities incidental to transactions authorized under blanket certificates is authorized by § 157.7(b)(4) of this chapter.

II. Public Convenience and Necessity

The Commission proposes to find that the transportation authorized by these blanket certificates is required by the present or future public convenience and necessity.[1] Several factors underlie

[1] Similar blanket transportation certificates have been issued in the past. High Island Offshore System and U-T Offshore System, Docket Nos. CP75-104 and CP76-118, order issued June 12, 1978.

this finding. First, the natural gas will enter the general system supplies of an interstate pipeline, rather than benefiting specific end-users. Second, the natural gas will be subject to end-use allocation under Commission approved curtailment plans. Third, individual transactions under the blanket certificate are short-term (of two years or less) and would not result in a disruption of markets upon which interstate pipelines have traditionally relied. Fourth, permitting these transactions on a self-implementing basis will eliminate a competitive disadvantage which interstate pipelines face when attempting to attach short-term supplies.

III. Section by Section Analysis

Proposed paragraph (a) clarifies the relationship between the blanket certificate and the self-executing authorizations in Subpart B of Part 284, *i.e.* the blanket certificate covers only natural gas transported by interstate pipelines for the system supplies of other interstate pipelines. Neither long term transportation arrangements nor the transportation of the interstate pipeline's own natural gas are covered by the blanket certificate.

Proposed paragraph (b) indicates the limited nature of the blanket certificate. Although the certificate is of indefinite duration, individual transactions authorized under it are limited to two years under § 284.102, subject to extension under § 284.105.

Proposed paragraph (c) prescribes an abbreviated application procedure. Because data on individual transactions will be filed within thirty days of the commencement of each transaction, detailed data is not required for the blanket certificate application.

Proposed paragraph (d) incorporates the conditions set forth in Subpart B of Part 284 by reference as amended from time to time.

Proposed paragraph (e) frees the holder of the blanket certificate from any service obligation after each underlying transportation contract expires. This pregranted abandonment places the holder of the blanket certificate in an equivalent position to a transporter authorized under Section 311(a)(1) of the NGPA.

Proposed paragraph (f) makes clear that interstate pipelines which elect to not obtain a blanket certificate may still obtain Section 7(c) authorization on a case-by-case basis.

IV. Written Comment Procedure

Interested persons are invited to submit written comments, data, views or arguments with respect to this proposal. An original and 14 copies should be filed with the Secretary of the Commission. All comments received prior to 4:30 p.m., EDT., September 24, 1979, will be considered by the Commission prior to the promulgation of final regulations. All written submissions will be placed in the Commission's public file and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, NW., Washington, D.C., during regular business hours. Comments should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM79–74.

V. Public Hearing Procedures

A public hearing concerning this proposal will be held in Washington, D.C. on September 24, 1979, beginning at 9:30 a.m. and will continue if necessary on the following day. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m., E.S.T., on September 18, 1979.

Request to participate in the hearing should include a reference to Docket No. RM79–74 as well as a concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone. Prior to the hearing, each person filing a request to participate will be contacted by the presiding officer or his designee for scheduling purposes. At least five copies of the statement shall be submitted to the Secretary of the Commission prior to 4:00 p.m. on September 21, 1979. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and as to substance. Persons participating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement.

Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information.

(Natural Gas Act, 15 U.S.C. 717 *et seq;* Department of Energy Organization Act, Pub. L. 95–91; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission proposes to add a new Subpart G to Part 284, Subchapter I, Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. The table of sections for Part 284 is amended by the addition of a new Subpart G, to consist of §§ 282.220 and 282.221:

Subpart G—Blanket Certificates Authorizing Transactions in Accordance With Subparts B Through D.

Sec.
284.220 [Reserved]
284.221 Transportation on behalf of interstate pipelines.

2. Part 284 is amended by the addition of new sections 284.220 and 284.221, to read as follows:

§ 284.220 [Reserved]

§ 284.221 Transportation on behalf of interstate pipelines.

(a) *Applicability.* This section applies to the transportation of natural gas by an interstate pipeline on behalf of any other interstate pipeline. Transportation of natural gas on behalf of an intrastate pipeline or a local distribution company is authorized by Subparts B, C, and F of this part.

(b) *Blanket certificate.* Upon application therefor, the Commission will conduct a hearing pursuant to section 7(c) of the Natural Gas Act and § 157.11 of this chapter to determine whether the proposed service is required by public convenience and necessity. The Commission will issue to an interstate pipeline to which this section is applicable, a blanket certificate authorizing such pipeline company to transport natural gas for the system supply of any other interstate pipeline, to the same extent and in the same manner as transportation on behalf of intrastate pipelines is authorized by Subpart B of this part.

(c) *Application procedure.* Applications for blanket certificates shall state:

(1) The name of the applicant, and

(2) A statement that the applicant will comply with the conditions in paragraph (d) of this section.

(d) *General conditions.* (1) Any transaction authorized under a blanket certificate shall be subject to the same terms and conditions that would apply if the transaction were authorized by Subpart B of this part (as such may be amended from time to time).

(2) Any filings made with the Commission reporting individual transactions shall reference the docket number of the proceeding in which the blanket certificate was granted.

(e) *Pregrant abandonment.* Abandonment of transportation services pursuant to section 7(b) of the Natural Gas Act is authorized upon the expiration of the contractual term of each individual transportation arrangement.

(f) *Interstate pipelines without blanket certificates.* An interstate pipeline which does not obtain a blanket certificate may apply for a separate certificate of public convenience and necessity for each transportation service provided to any other interstate pipeline.

[FR Doc. 79-27439 Filed 8-31-79; 8:45 am]
BILLING CODE 6450-01-M

Coast Guard

[33 CFR Part 110]

[CGD 77-227]

Anchorage Grounds, Los Angeles and Long Beach Harbors, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to revise the Anchorage Regulations for Los Angeles and Long Beach Harbors, California. Changes proposed for the existing regulations were so numerous that an in-depth study revealed a total revision was necessary. The present Anchorage Grounds can not accomodate the size, type, and volume of vessels common to the two harbors. The use designations for certain types of operations conducted in the various anchorages (i.e. bunkering, lightering, extended anchoring) are either nonexistent or inadequate. It is anticipated that the number and size of vessels using the harbors will further increase thereby increasing the probability of a major accident that could result in complete closure of either of the harbors. This proposal is intended to reduce the possibility of accidents occuring by providing for additional anchorage space and safer vessel operations in the area.

DATES: Comments must be received on or before October 15, 1979.

ADDRESSES: Comments should be submitted to and are available for examination at Commander (m), (CGD 77-227), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel W. Ziegfeld, Office of Marine Environment and Systems (GWLE/73), United States Coast Guard, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, Phone Number (202) 426-1934.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writer's name and address, identify this notice (CGD 77-227), and give the reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed post card or envelope.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are Mr. Daniel W. Ziegfeld, Project Manager, Office of Marine Envrionment and Systems and Lt. J. W. Salter, Project Counsel, Office of Chief Counsel.

Discussion of the Proposal Regulation

Although there have been very few major accidents in the anchorage grounds of Los Angeles and Long Beach Harbors, it has become evident that the current anchorages do not meet present needs. Increases in the size and number of vessels utilizing the harbors has resulted in overcrowding of existing anchorages. This problem is compounded by the enormous growth of vessels arriving solely for the purpose of bunkering and/or lightering operations, which are often conducted at anchorage. Additionally, as a result of the overcrowded anchorages, numerous vessels have anchored outside of the federal breakwater. However, this practice has created a potential for obstruction of the entrances to the harbors. It is anticipated that the size and number of vessels utilizing the harbors will further increase, thereby increasing the possiblity of accidents. This poses a threat to the safety of the harbors and the environment.

In view of the overcrowded anchorages and related problems the Coast Guard has determined a total reorganization of the current regulations is needed. Restructuring the anchorages and revising the regulations governing them would provide safer vessel operations in the area.

The proposed revision would reorganize the area available for anchoring vessels. It would create more anchorage space, designate use or preferred use for each anchorage, incorporate areas where anchoring formerly was restricted, organize long term anchoring for vessels so as to allow for minimal encounters with marine traffic, and ensure safe access corridors between Traffic Separation Schemes and harbor entrances. New regulations are proposed which prescribe changed or new time limits on anchoring, requirements for anchoring, and other operational considerations.

Several new anchorages are proposed by this revision, two of which are outside of the breakwater. Although these two are somewhat irregular in shape, this allows clear access corridors between internationally adopted Traffic Separation Schemes and harbor entrances. While vessels presently may anchor in unregulated areas, under this proposal, a vessel will either be in a maintained channel or an anchorage. This would insure control over abandoned or derlict vessels which create navigation and pollution hazards. The Corps of Engineers has the authority to remove obstructions in maintained channels and the Captain of the Port will supervise anchoring practices within anchorages.

Two of the present anchorages will be expanded to include areas previously used for other purposes. One would incorporate an area previously designated a "Restricted Area" under 33 CFR 207.616. The "Restricted Area" was established for a U.S. Navy degaussing range, that has recently been disestablished. The other anchorage would incorporate an old (previously disestablished) Quarantine Anchorage. These areas constitute valuable anchorage space and are currently used extensively.

The proposed anchorages all have a primary use designation such as commercial, naval, general, etc.; however this does not prohibit use of the anchorage by other types of vessels. The designations are intended to notify mariners as to the type of vessels that will predominately use these areas.

A number of the proposed anchorages also carry restrictions on bunkering

operations and lightering operations. For the purpose of these regulations, bunkering is taking on fuel for a vessel's operaton while lightering is the transfer of fuel to storage or bulk transport. The restrictions are proposed to ensure these operations will be conducted in areas where a minimum threat is posed to the environment. Lightering carries an inherent hazard because volumes of flammable and explosive vapor can accumulate. During both bunkering and lightering operations the possibility of an oil discharge is subtantially increased. Records indicate oil spills occur most frequently during these transfer operations. Under this proposal lightering will be kept as far away from population centers as possible and bunkering will be allowed where a spill would pose the least threat of environmental damage.

The current general regulation allowing vessels to anchor for 10 days without obtaining specific permission from the Captain of the Port has been supplemented by placing shorter time limits on some areas where bunkering and lightering operations are allowed. This will allow more efficient use of the areas while still providing sufficient time to complete these operations.

Presently the U.S. Navy does not require as large an anchorage area as previously designated for their use only. The size of the current naval anchorage will be reduced and a new small naval anchorage will be established close to the U.S. Navy Shipyard to meet their requirements. Naval Vessels may still use other anchorages.

Because of the limited present day usage, one of the two explosive anchorages would be disestablished. The other, originally designed to accomodate two vessels, will be expanded and configured to handle one. The regulations governing the area will prohibit anchoring by other vessels when explosives are being handled. These changes reflect new Navy safety standards and should significantly reduce the hazard to anchored vessels during explosive transfer operations. The Navy estimates that explosives will be handled in the anchorage approximately forty days per year.

To further efforts towards efficient use of anchorages, the proposal designates preferential use of certain portions of the anchorages for deep draft vessels. Water that can accomodate these vessels is very limited and it is inefficient to allow draft vessels to occupy deep water anchorages.

The regulations governing general use of the anchorages would also be expanded and revised to include the following concepts and rules as well as those spelled out in the present regulation:

(a) Proper amounts of anchor chain,

(b) Anchoring away from fixed structures,

(c) Use of tug assistance for anchoring of certain large vessels (to add to safety factor for large vessel operations),

(d) Requiring notification to the Captain of the Port when a vessel anchors, weighs anchor, or is unable to get under way promptly,

(e) Establishment of new anchorage outside the breakwater,

(f) Prohibiting all anchoring not within the anchorages, and

(g) Requiring notification to the Captain of the Port when lightering and bunkering operations are conducted.

Prior to drafting this revision, many groups were consulted. These included both harbor authorities, pilots from both harbors, environmental groups, the U.S. Navy, and several professional shipping organizations and individuals as well as state and local governments.

The Coast Guard defines and establishes an anchorage ground under the authority of the Anchorage Grounds Act (33 U.S.C. 471). This statute contains authority for adopting and enforcing regulations dealing with the use of anchorages as well. However, existing regulations also contain provisions for regulating certain anchorages under the Ports and Waterways Safety Act of 1972 (PWSA 1972) (33 U.S.C. 1221 et. seq.). The purpose of the PWSA 1972 was to prevent damage to vessels and structures and damage to the environment resulting from vessel or structure damage. To accomplish this purpose the PWSA 1972 authorized (among other things) control over vessel movement and entry into congested areas, restrictions on vessel operation during hazardous conditions, and direction of anchoring, mooring or movement of vessels to prevent damage. In certain areas the volume of vessel traffic, the number of vessels using an anchorage and the navigational problems on the waters in question create a situation where the risk of vessel or structure damage is greatly increased. In such a situation the Coast Guard regulated the anchorage under the PWSA 1972 because the $10,000 penalty for violations was a more effective deterrent against hazardous violations than the $100 penalty of the Anchorage Grounds Act. This gave the Coast Guard a more effective enforcement tool in areas where the risk was greater and allowed the Coast Guard to fulfill its responsibilities under both Acts. The Coast Guard considered adding the anchorages described in 33 CFR 110.214 Los Angeles and Long Beach Harbors, California to the list of anchorages regulated under the authority of the PWSA 1972.

Section 2 of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474) superseded the Ports and Waterways Safety Act of 1972 and revised the title of the Ports and Waterways Safety Act (PWSA). Section 4(b) of the PWSA allows (among other things) an order to be issued to any vessel in a port or place subject to the jurisdiction of the United States or in the navigable waters of the United States to operate or anchor as directed, if certain conditions exist. One of the conditions listed is that if there is reasonable cause to believe that a vessel does not comply with regulations issued under the Act or other applicable laws and treaties. Failure to comply with anchorage regulations could be the basis of an order to operate or anchor as directed, so as to comply with the applicable anchorage regulation. The more effective penalty provisions of the PWSA, which were increased to $25,000, would be directly applicable to a vessel which failed to comply with the order. Thus, there is now no need to regulate the Los Angeles and Long Beach Anchorages under the PWSA, since any anchorage regulation may be enforced by appropriate orders issued under the PWSA.

A detailed description follows which indicates how all the above proposed changes would be reflected in the regulations and the purpose for each change.

Detailed Description

The following changes, additions, and/or deletions are proposed to the Anchorage Regulations for the Los Angeles and Long Beach Harbors.

1. The Anchorage Grounds (§ 110.214(a))

(a) Paragraph (a)(1)—*Commercial Anchorage A*—The area has been restructured to include an "old" quarantine anchorage which was disestablished. The entire area is presently being utilized as an anchorage ground. Commercial Anchorage A has been primarily designated for bunkering operations. This is its predominate use at the present time as it is the most sheltered area within the harbor. A twenty-four hour time limitation (paragraph (a)(1) (iii)) has been proposed to ensure the maximum use of this prime bunkering area. Most bunkering operations can be completed within this time frame, and the Captain of the Port may grant extensions if necessary. Lightering will be prohibited since such operations are inherently more dangerous than bunkering. It is considered unwise to allow such

operations in close proximity to populated areas. The present paragraph (a)(1)(ii) will be eliminated as the Captain of the Port will designate an appropriate area for use by quarantine, customs, or immigration authorities as the need arises. Any anchorage ground in the entire harbor may be so designated depending on the circumstances. The present paragraph (a)(1)(iii) will be eliminated as it is considered unnecessary. Other regulations (Corps of Engineers and U.S. Coast Guard) are applicable to the placement of moorings. The present paragraph (a)(1)(iv) will be eliminated as the U.S. Navy has no significant requirement for anchorage areas within the harbor at the present time.

(b) The present paragraph (a)(2) is reserved. Proposed regulations for *Commercial Anchorage B* will be contained in paragraph (a)(2). The area encompassed by proposed Anchorage B is the northern portion of present Anchorage C, the Navy Restricted Area which was disestablished, and the previously unregulated area between Reservation Point and Fish Harbor Channel. Regulations controlling the use of this anchorage ground are proposed as follows:

(i) The area is designated for use by commercial vessels and bunkering may be conducted.

(ii) Lightering will be prohibited as the area is considered unsafe for lightering operations due to its close proximity to populated areas and the U.S. Navy Base and Ship Yard.

(iii) The area may be utilized by vessels anchoring for an extended period when authorized by the Captain of the Port.

(iv) This paragraph ensures that navigation to and from Fish Harbor Channel is not impaired.

(c) Paragraph (a)(3) *Commercial Anchorage C* will be realigned, the northern portion becomes part of Commercial Anchorage B and the northeastern portion becomes Navy Anchorage J. Commercial use will have priority. Bunkering and lightering will be permitted. The eastern portion of the anchorage area encompassed by the 18m. (59 ft.) depth curve will be reserved for the anchoring of deep draft vessels with a forty-eight hour time limit imposed. These two requirements are proposed to insure that this area, the deepest in the harbor, is utilized to the maximum extent possible by vessels requiring deep water. Present paragraph (a)(3)(ii) will be eliminated as it is considered unnecessary. Other regulations (Corps of Engineers and U.S. Coast Guard) are applicable to the placement of moorings. The present paragraph (a)(3)(ii) will be eliminated as the U.S. Navy has no significant requirement for anchorage areas within the harbor at the present time. The present paragraph (a)(3)(iv) will be eliminated as explosive anchorage No. 1 will be disestablished and eliminated from the regulations as it is no longer required by the U.S. Navy or commercial users.

(d) Paragraph (a)(4) *Commercial Anchorage D* will be realigned to include the southwestern portion of the present Naval Anchorage E. The U.S. Navy no longer needs the entire area encompassed by the present Naval Anchorage E. In Commercial Anchorage D, requirements of ships 244m. (approximately 800 ft.) in length and 12m. (approximately 39 ft.) in draft or greater shall predominate. Bunkering and lightering will be permitted. Present paragraph (a)(4)(ii) will be eliminated as it is considered unnecessary. Other regulations (Corps of Engineers and U.S. Coast Guard) are applicable to the placement of moorings. The present paragraph (a)(4)(iii) will be eliminated as the U.S. Navy has no significant requirement for anchorage areas within the harbor at the present time.

(e) Paragraph (a)(5) *Commercial Anchorage E.* A portion of the present Naval Anchorage E (paragraph (a)(5)) will be redesignated Commercial Anchorage E. Commercial vessels will have priority in this area. Bunkering and lightering operations are prohibited due to the anchorages close proximity to shore.

(f) Paragraph (a)(6) *Commercial Anchorage F* is a proposed new anchorage ground. This area would be designated an anchorage to provide an area outside the breakwater where anchoring will be permitted in an organized manner. The lack of present regulations outside the breakwater allows the random anchoring of vessels. Therefore, an arriving vessel can expect to, and often will, encounter vessels anchored in the approaches to Los Angeles or Long Beach Harbors. In all areas outside the breakwaters encompassed by the internationally approved Los Angeles-Long Beach Precautionary Area, within three miles, with the exception of newly designated Anchorages F and G, anchoring will be prohibited. Bunkering and lightering operations are prohibited for safety and environmental reasons. Also, this area will be primarily designated for use by vessels 244m. (approximately 800 ft.) or greater in length or with drafts of 12m. (approximately 39 ft.) or more.

(g) Paragraph (a)(7) *Commercial Anchorage G* is a proposed new anchorage ground. The same comments noted in paragraph (f) just above apply except that commercial vessels of any size may anchor in the area.

(h) Paragraph (a)(8) *Naval Anchorage I* is a proposed new naval anchorage ground designated for Long Beach Naval Shipyard use. this will accommodate naval requirements for a small anchorage ground as close to the shipyard as possible. This area is presently utilized for this purpose but current regulations do not give priority to naval anchoring. The area is used to perform work on naval vessels during periods when dockside space is unavailable in the shipyard.

(i) Paragraph (a)(9) *Naval Anchorage K.* A portion of the present Naval Anchorage E (paragraph (a)(5)) will be redesignated "K". This will meet the reduced requirements of the U.S. Navy. The present paragraph (a)(5)(ii) will be eliminated as it is considered unnecessary. Other regulations, (Corps of Engineers and U.S. Coast Guard) are applicable to the placement of moorings.

(j) Paragraph (a)(10) *General Anchorage N.* The present Nonanchorage Area H (paragraph (a)(8)) will be designated General Anchorage N to provide continuity in the anchorage lettering system. No appreciable changes will be made to its geographic description. The regulations have been changed to permit anchoring.

(k) Paragraph (a)(11) *General Anchorage O.* this is a proposed new anchorage ground. This area will be designated as an anchorage ground which may be used with COTP permission. It will also be used for storage of vessels under the custody of the United States.

(l) Paragraph (a)(12) *General Anchorage P.* The present Nonanchorage Area F (paragraph (a)(6) will be designated General Anchorage P to provide continuity in the anchorage lettering system. Its geographic description will be changed slightly to reflect the harbor improvements, mainly the Queen Mary mooring facilities, which have occurred in the vicinity since the description was last updated. The regulations have been changed to permit anchoring.

(m) Paragraph (a)(13) *General Anchorage Q.* This is a proposed new anchorage ground. This area will be designated as an anchorage ground to accommodate the growing need for anchorage space.

(n) Paragraph (a)(14) *Nonanchorage U.* The present Nonanchorage Area G (paragraph (a)(7)) will be redesignated "U" to provide continuity in the anchorage lettering system. No appreciable changes will be made to its geographic description or in the

regulations presently found in § 110.214(a)(7).

(o) Paragraph (a)(15) *Nonanchorage W.* The present Nonanchorage Area I (paragraph (a)(13)) will be redesignated "W" to provide continuity in the anchoring lettering system. No changes will be made to its geographic description and no appreciable changes will be made to the regulations as presently found in § 110.214(a)(13) with the exception of eliminating the present paragraph (a)(13)(ii). This portion is considered unnecessary and redundant as the Captain of the Port has enforcement authority over all anchorage regulations unless otherwise delegated.

(p) Paragraph (a)(16) *Explosives Anchorage.* Existing § 110.214(a) (9), (10), (11), and (12) will be eliminated. A new § 110.214(a)(16) will define the only area in which vessels carrying explosives may anchor. The maximum amount of explosives which may be aboard a vessel anchored within this anchorage has been limited to 680 metric tons (approximately 749 tons) to ensure the safety of the property and personnel on oil islands Freeman and Chaffee. Each vessel which utilizes the Explosives Anchorage will be required to demonstrate its status by displaying a red flag. While the anchorage is occupied by vessels carrying explosives no other vessel may anchor within 1,745m. (approximately 5,725 ft.) of the center of the anchorage. This area will include all of Anchorage K and portions of Anchorages D, E, F, and Q. Vessels anchored within this area will be required to relocate when the Explosives Anchorage is activated.

2. *Regulations [§ 110.214(b)].* (a) Section 110.214(b)(1) combines pertinent parts of present § 110.214(b) (1) and (3). Other portions were eliminated or included in subsequent regulations as appropriate.

(b) Section 110.214(b)(2) is a new regulation which requires certain large vessels in port to anchor with an adequate amount of chain. This eliminates the necessity for the Captain of the Port having to impose requirements on vessels on an individual basis.

(c) Section 110.214(b)(3) which is presently part of § 110.214(b)(5) has not been changed.

(d) Section 110.214(b)(4) is a new regulation that requires vessels unable to get underway within 4 hours to inform the Captain of the Port and take suitable precautions to ensure the safety of structures and other vessels in the area. This will ensure the Captain of the Port is aware of vessels that are unable to move promptly during adverse weather or when the explosives anchorage is to be activated.

(e) Section 110.214(b)(5) and (b)(6) are new regulations requiring all vessels to notify the Captain of the Port upon anchoring and upon departure to facilitate efficient use of the anchorage grounds.

(f) Section 110.214(b)(7) is a new regulations requiring large vessels to use tug assistance when anchoring inside the breakwater to ensure their reaching a safe anchorage. The size of these vessels and their poor maneuvering characteristics, the possibility of equipment failure, and the geography of the harbors demand that these vessels use tug assistance. This practice is being followed at the present time.

(g) Section 110.214(b)(8) which is presently § 110.214(b)(13) has not been changed.

(h) Section 110.214(b)(9) which is presently included in § 110.214(b)(4) has not been changed.

(i) Section 110.214(b)(10) is a new regulation which will prevent anchoring anywhere in the Precautionary Area except in Anchorages F and G. This requirement is considered necessary to ensure vessels do not hazard navigation by obstructing the entrances to the harbor or hinder vessels traversing the area.

(j) Section 110.214(b)(11) has undergone minor changes to clarify the fact that the 10 day requirement for anchorages does not apply to Commercial Anchorages F and G (outside the breakwaters), and notes additional restrictions for Commercial Anchorages A and C.

(k) Section 110.214(b)(12) which is presently § 110.214(b)(7) has undergone minor editorial changes.

(l) Section 110.214(b)(13) is a new regulation added to ensure compliance with dictates of prudent seamanship.

(m) Section 110.214(b)(14) is a new regulation added to ensure no vessel hazards itself or the port by anchoring too close to the oil islands, breakwaters, shorelines, or other fixed objects.

(n) Section 110.214(b)(15) which is presently § 110.214(b)(2) has undergone minor editorial changes. This regulation is not intended to prohibit a vessel from anchoring in a position from which the vessel may swing across the boundaries between Commercial Anchorage B and C, Commercial Anchorage D and E, Commercial Anchorage D and E and Naval Anchorage K, and Commercial Anchorage B and C and Naval Anchorage J.

(o) Section 110.214b(16) which is presently § 110.214(b)(12) has undergone minor changes for clarification.

(p) Section 110.214(b)(17) is a new regulation requiring that the Captain of the Port is kept informed when lightering operations are being conducted. This will provide the COTP with information for preplanning for discharge response and efficient scheduling and utilization of manpower and equipment.

(q) Section 110.214(b)(18) is a new regulation requiring that the Captain of the Port is kept informed when bunkering operations are being conducted. The same comments noted in paragraph (p) apply.

(r) Section 110.214(b)(19) which is presently § 110.214(b)(15) has undergone minor wording changes to include additional dangerous cargoes other than "explosives" which the Captain of the Port must be cognizant of. In order to fulfill his responsibilities as Captain of the Port, the COTP must be aware of operations conducted within the Anchorage that are potentially hazardous.

(s) Section 110.214(b)(20) which is presently § 110.214(b) (6) and (10) has undergone minor wording changes to allow one paragraph to encompass both of the present paragraphs of the regulations.

An Environmental Assessment was completed in April 1978 which resulted in a negative declaration indicating no forseeable significant impact on the quality of the human environment.

The Coast Guard has determined that, in accordance with DOT "Regulatory Policies and Procedures," (44 FR 11034) these amendments are not significant. A draft evaluation has been prepared and is available for public inspection at the Commander, Eleventh Coast Guard District address indicated above.

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33, Code of Federal Regulations as follows:

(1) By revising § 110.214 to read as follows:

§ 110.214 Los Angeles and Long Beach Harbors, California.

(a) *The anchorage grounds*—(1) *Commercial Anchorage A (Los Angeles Harbor).* An area north of the San Pedro Breakwater; west of a line bearing 302° from Los Angeles Light, latitude 33°42'30.8" N., longitude 118°15'02.3" W.; south of the southern edge of the Deep Channel Fairway, which edge is described as follows:

Latitude	*Longitude*
33°42'50.2" N	118°15'40.0" W
33°42'45.0" N	118°16'03.2" W
33°42'37.5" N	118°16'08.0" W
33°42'45.0" N	118°16'25.2" W
33°42'35.5" N	118°16'18.8" W
33°42'37.8" N	118°16'23.0" W
33°42'50.8" N	118°16'35.8" W
33°42'48.6" N	118°16'38.4" W

thence along a line bearing 163° which is the eastern boundary of General Anchorage N to the San Pedro Breakwater at latitude 33°42'26.8" N., longitude 118°16'30.9" W.; thence southeasterly and easterly along the San Pedro Breakwater to the beginning point.

(i) In this anchorage the requirements of commercial ships conducting bunkering operations shall predominate.

(ii) Lightering operations are prohibited in this anchorage.

(iii) No vessel may anchor in this anchorage for longer than 24 hours without permission from the Captain of the Port.

(2) *Commercial Anchorage B (Los Angeles and Long Beach Harbors).* Beginning at the Southwestern corner of Reservation Point at latitude 33°43'18.0" N., longitude 118°16'00.2" W.; thence east southeasterly to latitude 33°43'13.8" N., longitude 118°15'51.4" W.; thence northeasterly to latitude 33°44'01.0" N., longitude 118°13'11.2" W.; thence northwesterly to the southern edge of the eastern extension of the NAVAL BASE MOLE at latitude 33°44'32.3" N., longitude 118°13'24.3" W.; thence southwesterly along the NAVAL BASE MOLE to NAVAL BASE MOLE light 2 at latitude 33°44'25.5" N., longitude 118°13'49.0" W.; thence southwesterly to latitude 33°43'50.7" N., longitude 118°15'41.7" W.; thence west southwesterly to Fish Harbor Channel Light 3 at latitude 33°43'48.8" N., longitude 118°15'52.7" W.; thence west southwesterly along the southern edge of Fish Harbor west jetty until it intersects Reservation Point; thence along the eastern and southern shoreline of Reservation Point to the beginning point.

(i) In this anchorage the requirements of commercial vessels shall predominate.

(ii) Bunkering operations are permitted in this anchorage.

(iii) Lightering operations are prohibited in this anchorage.

(iv) Anchorage B may be used by any vessel granted an extended anchorage permit in accordance with paragraph (b)(11) of this section.

(v) Each vessel in this anchorage shall be anchored in such a position as not to interfere with the free navigation of the Fish Harbor Channel.

(3) *Commercial Anchorage C (Los Angeles and Long Beach Harbors).* Beginning at Los Angeles Main channel Light 2, latitude 33°42'38.8" N., longitude 118°14'37.5" W.; thence northwesterly to the southernmost point of Commercial Anchorage B, latitude 33°43'13.8" N., longitude 118°15'51.4" W.; thence northeasterly to latitude 33°44'12.1" N., longitude 118°12'32.3" W.; thence southeasterly to Long Beach Channel Entrance Light, latitude 33°43'23.5" N., longitude 118°11'09.4" W.; thence westerly along the Middle Breakwater to the beginning point.

(i) In this anchorage the requirements of commercial vessels shall predominate. In the eastern portion of this anchorage, within the area defined by the 18m (approximately 59 ft.) depth curve, the requirements of vessels over 244m (approximately 800 ft.) in length overall or having a draft over 12m (approximately 39 ft.) shall predominate. Each lesser draft vessel shall anchor away from this deeper portion of the anchorage so as not to interfere with the anchoring of vessels having a draft over 12m (approximately 39 ft.)

(ii) Bunkering and lightering operations are permitted in this anchorage.

(iii) In the eastern portion of this anchorage, within the area defined by the 18m (approximately 59 ft.) depth curve, no vessel may anchor for longer than 48 hours without permission from the Captain of the Port.

(4) *Commercial Anchorage D (Long Beach Harbor).* Beginning at Long Beach Channel Entrance Light 2 at latitude 33°43'23.5" N., longitude 118°10'46.9" W.; thence northwesterly to the southwestern point of Pier J at latitude 33°44'18.9" N., longitude 118°12'11.8" W.; thence easterly to the Southwest Lighted Marker on Island Freeman; thence southerly to the Long Beach Breakwater at latitude 33°43'23.5" N., longitude 118°09'46.4" W.; thence westerly to the beginning point.

(i) In this anchorage the requirements of commercial ships over 244m (approximately 800 ft.) shall predominate.

(ii) Bunkering and lightering operations are permitted in this anchorage.

Note.—A portion of this anchorage is within the Explosive Anchorage Area when the explosive anchorage is activated by the Captain of the Port. See § 110.214 (a)(16).

(5) *Commercial Anchorage E (Long Beach Harbor).* Beginning at the southwestern point of Pier J at latitude 33°44'18.9" N., longitude 118°12'11.8" W.; thence easterly and northerly along the edge of Pier J to the breakwater off the stern of the Queen Mary; thence along the breakwater off the stern of the Queen Mary to the northeast corner of the breakwater at latitude 33°45'10.0" N., longitude 118°11'12.0" W.; thence northerly to latitude 33°45'22.0" N., longitude 118°11'12.0 W.; thence northerly to latitude 33°45'34.1" N., longitude 118°10'39.5" W.; thence easterly along a line 460m (1,509.186 ft.) from and parallel to the Long Beach shoreline to latitude 33°44'56.1" N., longitude 118°08'10.1" W.; thence southerly to latitude 33°44'19.0" N., longitude 118°08'10.1" W.; thence westerly to the Southwest Lighted Marker on Island Chaffee; thence westerly to the Southeast Lighted Marker on Island Freeman; thence along the south shore to the Southwest Lighted Marker on Island Freeman; thence westerly to the beginning point.

(i) In this anchorage the requirements of commercial ships shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

Note.—A portion of this Anchorage is within the Explosive Anchorage Area when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(16).

(6) *Commercial Anchorage F (Outside of Long Beach Breakwater).* The area southeast of the breakwater beginning at latitude 33°43'05.1" N., longitude 118°07'56.2" W.; thence westerly to latitude 33°43'05.1" N., longitude 118°10'33.5" W.; thence southeasterly to latitude 33°40'23.3" N., longitude 118°08'32.5" W.; thence easterly to latitude 33°40'23.3" N., longitude 118°06'00.0" W.; thence to the beginning point.

(i) In this anchorage the requirements of commercial ships over 244m (approximately 800 ft.) in length overall or having a draft over 12 meters (approximately 39 ft.) shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

Note.—A portion of this anchorage is within the Explosive Anchorage Area when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(16).

(7) *Commercial Anchorage G (Outside of Los Angeles Long Beach Middle Breakwater).* The area south of the breakwater beginning at latitude 33°43'05.3" N., longitude 118°11'15.3" W.; thence westerly to latitude 33°43'05.3" N., longitude 118°12'15.7" W.; thence southwesterly parallel to the breakwater to latitude 33°42'25.9" N., longitude 118°14'16.0" W.; thence southeasterly to latitude 33°41'40.5" N., longitude 118°13'02.0" W.; thence northeasterly to latitude 33°42'08.6" N., longitude 118°11'33.8" W.; thence to the beginning point.

(i) In this anchorage the requirements of commercial ships shall predominate.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

(iii) No vessel may enter this anchorage ground unless it is destined

for an assigned berth in this anchorage ground.

(8) *Naval Anchorage J (Long Beach Harbor).* Beginning at *NAVAL BASE MOLE* Light 5, latitude, 33°44'40.0" N., longitude, 118°12'59.8" W.; thence west southwest along the southerly edge of the *NAVAL BASE MOLE* to latitude 33°44'32.3" N., longitude 118°13'24.3" W.; thence southeasterly along a line perpendicular to the *NAVAL BASE MOLE* which is the eastern boundary of Commercial Anchorage B to the northern boundary of Commercial Anchorage C; thence northeasterly along the northern boundary of Commercial Anchorage C, until that line intersects the western edge of the Long Beach Channel; thence northwesterly along the western edge of the Long Beach Channel to the beginning point.

(i) In this anchorage the requirements of the U.S. Navy shall predominate.

(ii) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port.

(iii) Bunkering and lightering operations are prohibited in this anchorage.

(9) *Naval Anchorage K (Long Beach Harbor).* Beginning at Long Beach Breakwater East End Light, latitude 33°43'23.5" N., longitude 118°08'10.0" W.; thence northerly to latitude 33°44'19.0" N., longitude 118°08'10.1" W.; thence westerly to the Southwest Lighted Marker on Island Chaffee; thence westerly to the Southeast Lighted Marker on Island Freeman; thence along the southern shore to the Southwest Lighted Marker on Island Freeman; thence southerly to the Long Beach Breakwater at latitude 33°43'23.5" N.; longitude 118°09'46.4" W.; thence easterly to the beginning point.

(i) In this anchorage the requirements of U.S. Navy shall predominate.

(ii) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port. The requirements of vessels over 244m (approximately 800 ft.) in length overall shall predominate.

(iii) Bunkering operations are permitted in this anchorage.

(iv) Lightering operations are prohibited in this anchorage.

(v) This anchorage may be designated an explosive anchorage. See § 110.214(a)(16).

(10) *General Anchorage N (Los Angeles Harbor).* An area known as Cabrillo Beach, west of a line beginning at latitude 33°43'04.0" N.; longitude 118°16'44.4" W.; thence to the San Pedro Breakwater at latitude 33°42'26.8" N., longitude 118°16'30.9" W.; thence along the shoreline to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Achoring, mooring, and recreational boating activities conforming to applicable City of Los Angeles ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

(11) *General Anchorage O (Los Angeles and Long Beach Harbor).* Beginning at the NAVAL BASE MOLE Light 2, latitude 33°44'25.5" N., longitude 118°13'49. O" W.; southwesterly along the northern boundary of Commercial Anchorage B to latitude 33°43'50.7" N., longitude 118°15'41.7" W.; thence along the shore line to the beginning point.

(i) No recreational or commercial vessel may anchor in this anchorage without first obtaining permission from the Captain of the Port.

(ii) Bunkering and lightering operations are prohibited in this anchorage.

(iii) When necessary, this anchorage shall be reserved for vessels under the custody of the United States.

Note.—Nonanchorage U in § 110.214(a)(14) is within the boundaries of this anchorage.

(12) *General Anchorage P (Long Beach Harbor).* Mouth of the Los Angeles River. The water area extending westward and northward to the head of navigaton from a line drawn northward to the shore from the northeasterly corner of Pier J at latitude 33°45'10.1" N., longitude 118°11'12.0" W.

(i) In this anchorage the requirements of recreations and other small craft shall predominate.

(ii) Anchoring, moorings, and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

(iii) A 140m (approximately 495 ft.) fairway channel from the easterly boundary of this anchorage to the Navy and Marina shall be maintained free of moorings and other obstructions at all times.

The boundaries of the fairway are as follows:

Latitude	*Longitude*
33°45'10.0" N	118°11'12.0" W
33°45'15.9" N	118°11'12.0" W
33°45'40.8" N	118°11'54.6" W
33°45'47.2" N	118°12'08.0" W

(13) *General Anchorage Q (Long Beach Harbor/Alamitos Bay/Anaheim Bay).* Beginning at Long Beach Breakwater East End Light, latitude 33°43'23.5" N., longitude 118°08'10.1" W; thence northerly to the northeastern corner of Commercial Anchorage E at latitude 33°44'56.1" N., longitude 118°10'10.1" W.; thence southeasterly to a point, latitude 33°44'20.6" N., longitude 118°07'28.5" W., which is the northwestern corner of Nonanchorage W; thence along the northern boundary of Nonanchorage W to Alamitos Bay East Jetty Light, 2, at latitude 33°44'11.3" N., longitude 118°07'09.8" W.; thence northeasterly along the eastern edge of the Alamitos Bay East Jetty 460m (1,509.186 ft.) to latitude 33°44'23.9" N., longitude 118°07'01.1" W.; thence easterly to the southern most point of the east bank of the San Gabriel River at latitude 33°44'22.8" N., longitude 118°06'53.7" W.; thence along the southern shoreline of Seal Beach until the shoreline intersects the Anaheim Bay West Jetty; thence along the western edge of the Anaheim Bay West Jetty to the Anaheim Bay Light 5 at latitude 33°43'39.1" N., longitude 118°06'03.3" W.; thence westerly to the beginning point.

(1) Bunkering and lightering operations are prohibited in this anchorage.

Note:—(1) Nonanchorage W in § 110.214(a)(15) is within the boundaries of this anchorage.

(2) A portion of this anchorage is within the Explosive Anchorage Area when the explosive anchorage is activated by the Captain of the Port. See § 110.214(a)(16).

(14) *Nonanchorage U (Los Angeles Harbor.)* An area extending 580m (approximately 1,903 ft.) south from the shoreline and 90m (approximately 295 ft.) each side of Ferry Street centerline extended.

(i) No vessel may anchor or moor in this area.

(ii) Dragging, seining, fishing operations, and other activities which might foul underwater installations within this area are prohibited.

Note.—This nonanchorage is established protection of the submerged outfall of a sewer pipeline.

(15) *Nonanchorage W (Mouth of Entrance Channel to Alamitos Bay).* Nonanchorage Area W is a semicircle with a 460m (1,509 ft.) radius that is centered at midchannel on a line between Alamitos Bay West Jetty Light 1 and Alamitos Bay Jetty Light 2 and which extends seaward from that line.

(i) No vessel may anchor or moor in this area.

(16) *Explosives Anchorage (Long Beach Harbor).* A circular area with its center at latitude 33°43'37.0" N., longitude 118°09'02.5" W., and a radius of 1.745m (approximately 5,725 ft.)

(i) No vessel containing more than 680 metric tons (approximately 749 tons) of explosives may anchor in this anchorage.

(ii) Each anchored vessel loading, unloading, or laden with explosives, must display a red flag at least 1.2 square meters (approximately 16 square feet) in size by day, and by night the same red flag illuminated by spotlight.

(iii) When a vessel displaying the signal required by § 110.214(a)(16)(ii) occupies the Explosives Anchorage, no other vessel may anchor within the Explosives Anchorage.

Note.—When the Explosives Anchorage is activated Anchorage K and portions of Anchorage D, E, F, and Q are encompassed by the Explosives Anchorage.

(b) *General Regulations.* (1) Within Los Angeles and Long Beach Harbors, anchoring is prohibited outside established anchorages except in cases of emergency. If it becomes necessary, in an emergency, to anchor a vessel outside of the anchorages, the vessel shall anchor so that it does not interfere with or endanger any facility or other vessel. The vessel shall notify the Captain of the Port of the location of and reason for emergency anchoring by the most expeditious means and shall move clear as soon as the emergency is over.

Note.—The Captain of the Port guards VHF-FM Channel 16 (156.8 MHz).

(2) Each vessel 1600 gross tons or over shall use a minimum of four shots of chain (360 feet) at the water's edge in all Commercial and Naval anchorages; except that within Anchorage A, a minimum of three shots of chain (270 feet) may be used.

(3) The Captain of the Port may require a vessel in an anchorage to moor with two or more anchors.

(4) Each anchored vessel unable to get under way within 4 hours shall:

(i) Notify the Captain of the Port by the most expeditious means, and

(ii) Have a second anchor backed out and ready for use.

(5) Each vessel upon anchoring shall notify the Captain of the Port of its location by the most expeditious means.

(6) Each vessel shall notify the Captain of the Port when it departs from an anchorage.

(7) Each vessel over 244m (approximately 800 ft.) in length overall or having a draft over 12m (approximately 39 ft.) shall use tug assistance when anchoring inside of the breakwater.

(8) The Captain of the Port may require a vessel in an anchorage to have a watchman aboard at all times.

(9) The maneuvering of a vessel by means of a dragged anchor, except within an established anchorage, or in stress of weather, or to avoid collision or grounding, is prohibited.

(10) Commercial Anchorages F and G are the only portions of the navigable waters of the United States within the Los Angeles-Long Beach Precautionary Area in which any vessel may anchor, except when unforeseen circumstances create conditions of imminent peril or when specific permission is obtained from the Captain of the Port.

(11) Except as otherwise prescribed in this section, no vessel may occupy an anchorage inside of the breakwater for more than 10 consecutive days unless an extended anchorage permit is granted by the Captain of the Port.

Note.—Commercial Anchorages A and C have additional time restrictions. See § 110.214(a)(1)(iii) and § 110.214(a)(3)(iii).

(12) The Captain of the Port may permit vessels to anchor in channels. Permission is not necessary for vessels engaged on works of river and harbor improvement under the supervision of the District Engineer, Corps of Engineers, if the District Engineer has notified the Captain of the Port in advance of all such proposed work.

(13) No vessel may anchor in any anchorage in such a manner as to interfere with the use of an authorized mooring buoy.

(14) No vessel may anchor so that it will swing within 60m (approximately 197 ft.) of any permanent improvements except when unforeseen circumstances create conditions of imminent peril.

(15) No anchor may be placed outside the anchorages, nor may any vessel be so anchored that any portion of its hull or rigging extends outside the boundaries of the anchorages.

(16) No vessel being dismantled or undergoing major alterations may anchor in an anchorage without permission from the Captain of the Port.

(17) Each vessel to be lightered shall notify the Captain of the Port when the lightering vessel arrives alongside and again when the lightering vessel departs.

(18) Each vessel to be bunkered shall notify the Captain of the Port when the supply vessel arrives alongside and again when the supply vessel departs.

(19) No vessel while carrying, loading, or unloading explosives, under 46 CFR 146.29-13 or 49 CFR 176.100, oxidizers or blasting agents requiring a special permit under 49 CFR 176.415, or cargoes of particular hazard as listed in § 124.14(b) of this chapter, may anchor in an anchorage without permission from the Captain of the Port.

Note.—In granting such permission, the Captain of the Port will be guided by the current and future activities in the harbor and safety problems relating to such anchorage. Captain of the Port will advise Port of Long Beach and the Port of Los Angeles of any such anchorage assignments under the following conditions:

(i) Explosives, Class "A" (as defined in 49 CFR 173.53), any amount.

(ii) Explosives, Class "B" (as defined in 49 CFR 173.88), in excess of 1 net ton at any one time.

(iii) Explosives, Class "C" (as defined in 49 CFR 173.100), in excess of 10 net tons at any one time.

(iv) Military explosives (as defined in 46 CFR 146.29-11), any amount.

(v) Oxidizers requiring a special permit (as defined in 49 CFR 176.415), any amount.

(vi) Cargoes of particular hazard, in amounts specified by § 124.14(b)(1) of this chapter.

(20) Nothing in this section may be construed as relieving any vessel from the penalties of law for obstructing navigation or for not complying with the navigation laws or any other laws or regulations.

(Sec. 7, 38 Stat 1053, as amended, (33 USC 471); Sec. 6(g)(1)(A), 80 Stat. 937, (49 USC 1655(g)(1)(A)); 49 CFR 1.46(c)(1)).

Dated: August 22, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-27449 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-14-M

[33 CFR Part 164]

[CGD 77-183]

Amendments to Navigation Safety Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the Navigation Safety Regulations as they apply to vessels navigating on the Great Lakes. The proposal would ease some testing requirements and eliminate the depth finder recorder requirement. Experience with the rules has shown that certain requirements for testing could result in unsafe practices under some circumstances existing on the Great Lakes, and that a depth finder recorder is being required in areas where it is not needed. This proposal would correct these problems.

DATES: Comments must be received on or before: October 17, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81) (CGD 77-183), U.S. Coast Guard, Washington, DC 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy E. Foley, Rules of the Road Branch, Office of Marine Environment and Systems, Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, DC 20590. (202) 426–4958.

SUPPLEMENTAL INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77–183), identify the specific section of the proposal to which each comment applies, and give the reasons for the comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principle persons involved in drafting this proposal are: Mr. Timothy E. Foley, Project Manager, Office of Marine Environment and Systems, and Lieutenant G. S. Karavitis, Project Counsel, Office of the Chief Counsel.

Discussion of Proposed Regulations

The Navigation Safety Regulations (33 CFR Part 164) became effective on June 1, 1977. Experience with the rules since then has shown that some of these requirements are impractical or unnecessary in certain circumstances. These amendments are necessary to prevent accidental vessel collisions and groundings which may result from testing of critical navigational equipment in confined waters and to provide relief to vessels navigating on the Great Lakes from the unnecessary requirement to be equipped with a continuous depth sounding recorder. The impact of these requirements on vessels navigating on the Great Lakes was not considered at the time of promulgation of the original regulations. Adoption of these amendments will result in increased safety of vessel traffic in the St. Lawrence River and eliminate unnecessary expense to the Great Lakes shipping industry while preserving the economic and environmental benefits intended by the original Navigation Safety regulations.

Section 164.25 requires vessels to perform equipment tests of the primary and secondary steering as well as ahead and astern propulsion not more than 12 hours before entering or getting underway on the Navigable waters of the United States. Strict compliance with this requirement is unrealistic for vessels navigating on the Great Lakes because frequent crossing of the international boundary during most voyages would require repeated testing when the intention was that only an initial test be conducted. Vessels entering the Great Lakes via the St. Lawrence Seaway commonly perform certain equipment tests before transiting the Seaway. Transit time to the Great Lakes is usually more than 12 hours and strict compliance would require a retest 12 hours prior to entering the Great Lakes. The resultant duplication of these tests is not considered necessary. Additionally, imposition of test requirements during passage of the Seaway could create am immecessaru hazard to the vessel in those confined waters. Testing of a ships steering system involves moving the rudder from one side to the other within its design limits. This test causes a departure from the vessels intended course and could cause loss of control and grounding. Testing of astern propulsion similarly causes a temporary diminishing of rudder control and may result in a deviation from the vessels intended course. The purpose of the required tests is to detect any system failures which may exist. By operationally testing equipment in confined waters, the vessel is exposed to an increased risk if failure of an essential system occurs at a time when its proper functioning is particularly critical for safe navigation.

Therefore, the Coast Guard is proposing to amend this section to allow vessels navigating on the Great Lakes to satisfy the equipment test requirements at the beginning of the voyage without additional re-testing during the voyage. Vessels entering the Great Lakes from the St. Lawrence Seaway will not be required to re-test equipment that has been tested preparatory to entering the Seaway and will be allowed to complete the remaining equipment tests upon entering the relatively open waters of Lake Ontario.

Section 164.35 requires vessels navigating on the Great Lakes to have a device that can continuously record the depth readings of the vessel's echo depth sounding device. The requirement for a continuous depth sounding recorder was included in the original regulations to insure that the device would be available as a valuable navigational aid. Navigational charts of the Great Lakes however, do not exhibit depth contours for depths greater than thirty (30) feet. The absence of charted depth contours considerably reduces the effectiveness of the equipment in question for position fixing purposes. Also, since vessels subject to these regulations are required to employ a licensed pilot familiar with the route when underway on the Great Lakes the need for such a device is further reduced.

The Coast Guard therefore is proposing to amend this section by deleting the requirement that vessels operating on the Great Lakes have on board a device that can continuously record the depth readings of the vessel's echo depth sounding device.

In recognition of the problems which the current regulations pose for vessels on the Great Lakes, the Coast Guard has temporarily waived the requirements discussed above, pending the outcome of this rulemaking action.

The Coast Guard has evaluated this proposal under the Department of Transportation policies for Improving Government Regulations published on February 26, 1979 (44 FR 11034). It has been determined that the expected impact of this proposal is so minimal that a full Regulatory Evaluation is not warranted. This is because it merely provides relief from minor aspects of the Navigation Safety rules, which are either unnecessary or unreasonable on the Great Lakes.

In consideration of the foregoing, it is proposed that Chapter I of Title 33, Code of Federal Regulations, be amended to read as follows:

1. Section 164.25 would be amended to read as follows:

§ 164.25 Tests before entering or getting underway.

(a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(1) Primary and secondary steering gear.

(2) All internal vessel control communications and vessel control alarms.

(3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(5) Main propulsion machinery, ahead and astern.

(b) Vessels navigating on the Great Lakes and their connecting and tributary

waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

2. Section 164.35(i) would be amended to read as follows:

§ 164.35 Equipment: All vessels.

Each vessel must have the following:

* * * * *

(i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

* * * * *

(92 Stat. 1471 (33 U.S.C. 1221 et. seq.); 49 CFR 1.46(n)(4)).

Dated: August 14, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-27448 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-14-M

[33 CFR Part 164]

[CGD 76-051]

Minimum Net Bottom Clearance

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Coast Guard has decided to discontinue its attempt to arrive at a national standard for minimum bottom clearance and to redirect its efforts to the development of local standards where required. Any future rulemaking actions on this subject will be locally initiated and published for comment in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. Fred Schwer, Project Manager, Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone (202) 426-4958.

SUPPLEMENTARY INFORMATION: The Coast Guard, on May 6, 1976, published in the **Federal Register** an advance notice of proposed rulemaking concerning Minimum Net Bottom Clearance (41 FR 18771). The proposal (CGD 76-051) drew 75 letters of comment, only 3 of which were supportive. In almost every case, the proposal was challenged on the basis of cost vs. benefit. Depending on the degree of restriction, commenters contended that costs of lighterage and demurrage or loss of cargo capacity appeared to outweigh any potential benefits.

While cost vs. benefit is not the only consideration in issuing regulations, particularly those concerned with safety, the number and substance of the comments caused the Coast Guard to reexamine its approach. Studies of shallow water maneuvering characteristics of vessels were performed. Various ports were examined and pilots and other mariners interviewed.

Some investigations are still in progress, but even now it is apparent that bottom clearance regulation is better handled on an individual port basis. This permits more precise consideration of local variables, such as bottom type, tidal range, wave action and surge, channel configuration, port geography and traffic mix. Therefore, the Coast Guard has decided to continue its evaluation of minimum net bottom clearance requirements on a port-to-port instead of a national basis.

In consideration of the foregoing, the proposal published in the **Federal Register** (41 FR 18771) on May 6, 1976, entitled "Minimum Net Bottom Clearance" (CGD 76-051) is hereby withdrawn.

Drafting Information

The principal persons involved in drafting this document are: Mr. Fred Schwer, Project Manager, Office of Marine Environment and Systems, and Mr. Stanley M. Colby, Project Attorney, Office of Chief Counsel.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

August 27, 1979.

[FR Doc. 79-27450 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-14-M

[33 CFR Part 164]

[CGD 76-025]

Tug Assistance in Confined Waters

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is withdrawing the advance notice of proposed rulemaking concerning Tug Assistance in Confined Waters published on May 6, 1976 (41 FR 18770). Letters of comment and subsequent investigations, some still in progress, indicate that a single regulation would not be sufficiently flexible to ensure vessel safety and that locally initiated directives, tailored to the geography, climate and traffic in specific port areas, would better serve the mariner and the public. Future actions are being considered to address specific problems in limited areas. Should rulemaking follow, comments will be solicited.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Schwer, Project Manager, Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, 400 Seventh Street S.W., Washington, D.C. 20590. Telephone (202) 426-4958.

SUPPLEMENTARY INFORMATION: The May 6, 1976 advance notice of proposed rulemaking concerning Tug Assistance in Confined Waters (41 FR 18770) drew 64 responses. Thirty commenters remarked that only experienced personnel on-scene can integrate adequately all of the factors concerning the need for tug assistance. Twenty-five stated that no table or combination of tables could account for all of the variables without being so cumbersome as to be unusable. Seventeen other commenters offered various additional objections to the proposal. There were no favorable comments.

Faced with this negative response, the Coast Guard reevaluated its approach. Studies and inquiries were undertaken and pilots and other mariners in various ports were interviewed. Investigations are still in progress, but it is already evident that the concept envisioned in the advance notice requires modification. That notice proposed a "Factor Table" that would rate a vessel numerically and a "Tug Assistance Requirement Table" that would convert the vessel rating to a minimum tug requirement. Although the two tables provide an excellent theoretical approach and ultimately may prove to have value, they have not yet reached a useable form.

The Coast Guard does not reject the concept of mandatory tug escort or assistance where it can be useful. It is shelving instead the "blanket regulation" approach in favor of locally initiated rules, designed to respond to the needs of a particular port area. Several areas are being examined with this in mind and rulemaking action may be initiated and comments solicited when that level of development is reached.

In consideration of the foregoing, the proposal published in the **Federal Register** (41 FR 18770) on May 6, 1976, entitled "Tug Assistance in Confined Waters" (CGD 76-025) is hereby withdrawn.

Drafting Information

The principal persons involved in drafting this document are: Mr. Fred Schwer, Project Manager, Office of Marine Environment and Systems, and Mr. Stanley M. Colby, Project Attorney, Office of Chief Counsel.

August 27, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-27451 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-14-M

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 79-16; Notice 1]

Federal Motor Vehicle Safety Standards; Child Safety and Motor Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of public meeting and invitation for application for financial assistance in preparation of comments.

SUMMARY: This notice is issued in an effort to broaden the agency's knowledge of the hazards vehicles pose to children and to determine possible regulatory and other means of reducing those hazards. NHTSA will hold a meeting on December 12, 1979, so that the public can present its ideas and views on ways of improving protection for children involved in vehicle collisions either as occupants or pedestrians or cyclists.

DATES: The public meeting will be held on December 12, 1979, and run from 1:00 p.m. to about 6:00 p.m. Persons and organizations wishing to speak at the meeting must submit a copy of their presentations to NHTSA not later than December 1, 1979. Persons and organizations who wish to supplement their oral presentations at the meeting and those who wish to comment but cannot attend the meeting may submit written comments. These comments must be received no later than January 10, 1980. Application for financial assistance should be submitted in writing by September 24, 1979.

ADDRESSES: The public meeting will be held in the Sheraton Park Hotel, 2660 Woodley Road, N.W., Washington, D.C.

Copies of oral presentations to be delivered at the meeting and written comments should refer to the docket number set forth above and be addressed to: Docket Section, NHTSA, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Applications for financial assistance and questions concerning the meeting should be submitted to: Ms. Ann Mitchell, Public Participation and Consumer Affairs, NHTSA, 400 Seventh Street, S.W., Room 5232, Washington, D.C. 20590 (202-426-0670).

SUPPLEMENTARY INFORMATION:

Background

About one fourth of the total U.S. population, approximately 52.5 million people, are children under 15-years-old. Each year approximately 4,200 of these children are killed and several hundred thousand are seriously injured in motor vheicle accidents. Motor vehicle accidents are now the number one killer of 1-14 year old children in this country.

Data on children who die in motor vehicle accidents show that 50 percent of the children are killed as occupants of automobiles, 38 percent as pedestrians and 12 percent as cyclists. The death of an unrestrained child in a motor vehicle typically occurs when he or she becomes a missile during a crash, and is either hurled against the vehicle's interior or is ejected from the vehicle. One of the typical ways in which child pedestrians or cyclists can be killed or permanently disfigured is through being hit by a vehicle with sharp frontal or side protrusions.

Currently, effective restraints are available for protection of children under the age of 5-years-old. Last year, NHTSA proposed to upgrade its safety standard on child restraints by making it applicable to all types of child restraint devices and by requiring that they be dynamically tested in conditions approximating real world accidents (43 FR 21470; May 18, 1978). This standard will be published this fall. There is ample evidence in the form of accident data, studies and laboratory tests that indicate that child restraints which comply with the Federal standard and which are used properly, provide excellent protection for children under 5 years of age traveling in motor vehicles.

The 28 million children in the age bracket from 5-12 years are usually too big to fit into child restraints and many may be too small to use adult shoulder restraints effectively. While the use of a lap belt provides these children substantial protection, there may be even better ways of protecting these children from crash injuries.

Another serious problem is that available restraints are very infrequently used. For example, the latest surveys indicate that about 86 percent of front seat occupants, both children and adults, do not use safety belts and between 93 and 96 percent of the children riding in motor vehicles are not in child restraints. Consequently, a large segment of the child population is being transported unrestrained in motor vehicles.

As noted above, a leading cause of death and injury to unrestrained or improperly restrained children in a collision is contact with the vehicle's interior during a sudden stop or collision. Objects such as the backs of seats, steering wheels, instrument panels, and other portions of the vehicle can become lethal weapons when a child is hurled against them in even a moderate speed crash. Knowing this, the agency is interested in improving the protection provided in a vehicle's interior by eliminating or modifying those unyielding aggressive surfaces and protrusions that cause injury. One survey indicates that the surfaces most often contacted by children in a crash are the lower instrument panel, and the lower rear surface of the front seatback.

Pedestrian safety represents another area where additional work is needed to reduce the number of children killed and injured. Child fatalities and injuries account for 20 percent of the total U.S. pedestrian deaths and injuries. The head-neck-face areas receive approximately one half of the injuries occurring to children in pedestrian/vehicle crashes. Approximately one half of those injuries are caused by contacts with the vehicle's grill and hood edges, while the remaining injuries are due to contacts with the ground.

During the last several years, the NHTSA has conducted a number of experimental programs aimed toward developing softer, more energy absorbant materials to use on vehicle front ends to reduce pedestrian injuries. The most successful approach involved the elimination of sharp protrusions and use of a soft, deep form material covering the bumper and front of the vehicle. The performance of a modified vehicle using this approach has proved to be promising in comparison with an unmodified vehicle. Through tests in which instrumented test dummies simulating pedestrians were struck at 25 mph by modified and unmodified vehicles, the modified vehicles were shown to reduce substantially the forces to which the dummies were subjected.

Information Sought

To aid the agency in determining whether to commence rulemaking, NHTSA is seeking the public's views, data, and information on ways to reduce death and injuries among children in accidents involving passenger cars, vans, trucks and other motor vehicles.

The agency is particularly, but not exclusively, seeking comments on ways of reducing deaths and injuries caused by impacts against the vehicle's interior and caused by impacts with pedestrians and cyclists by the front ends and sides of motor vehicles. (In view of the recent opportunity to comment on the child restraint notice of proposed rulemaking, the agency is not seeking comment on issues relating to that subject unless commenters have previously unsubmitted data or arguments to offer.)

Regarding protection for children riding in motor vehicles, information is sought on the following items:

1. Data collected by medical, safety and other organizations on the portions of the vehicle's interior most often impacted and objects, protrusions, and surfaces causing the most serious injury.

2. The desirability and benefits of using energy-absorbing materials on the lower surface of the instrument panel and limiting protrusions on all parts of the instrument panel.

3. The desirability and benefits of using energy-absorbing materials on the entire rear seatback area, and limiting protrusions in that area.

4. The desirability and benefits of countermeasures to protect children who are transported in the rear of station wagons and hatchbacks.

5. Recommendations are also solicited on other means of improving the safety of the vehicle's interior.

Regarding child pedestrian and cyclist/vehicle impacts, information is sought on the following items:

1. Data collected by medical, safety or other organizations on the portions or components of motor vehicles most often impacting pedestrian children and most often causing serious injuries and fatalities.

2. The desriability and benefits of using energy-absorbing materials on bumpers, grills, and hood edges in order to reduce pedestrain fatalities and injuries.

3. The desirability and benefits of eliminating other protrusions on motor vehicles to reduce pedestrain fatalities and injuries.

4. Recommendations are also solicited on other means of improving the safety of the vehicle's exterior.

Oral and Written Public Comments

Individuals and organizations are invited to testify at the meeting. Presentations made at the meeting and written comments should attempt to include a discussion of the potential regulatory and other solutions for the problems mentioned above, identify other possible solutions and provide information on the benefits, costs and other impacts of the possible solutions.

The amount of time available to each speaker will depend largely on the number of participants. The agency anticipates that not more than 10 minutes will be available for each speaker. Interested persons unable to attend the meeting should note that they can participate by submitting written comments.

Agenda of Speakers

After the requests to speak are received by NHTSA, a list of the order of appearance of speakers at the public meeting on December 12, 1979, will be made available in NHTSA's Office of Public Affairs and Consumer Participation. The list will be available about December 5, 1979.

Applications for Financial Assistance

The NHTSA invites all qualified individuals, organizations and other parties financially unable to participate in the proceeding to apply for financial assistance. The agency is particularly interested in applications that will innovatively address the problems of improving children survival in automobile accidents either as passengers of automobiles or as pedestrians or cyclists being hit by motor vehicles. All applications submitted before the deadline specified at the board, composed of NHTSA and other Department of Transportation officials, to determine whether each applicant is eligible to receive funding. Consideration of late application is at the discretion of the evaluation board.

In general, an applicant is eligible if its participation would contribute substantially to a full and fair determination of the issues involved in the proceeding, taking into consideration the novelty, complexity, and significance of the ideas advanced and the ability of the applicant to represent the interests it espouses competently. Additionally, it must be demonstrated that the applicant does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this program.

If more than one applicant representing the same or similar interest is deemed eligible, the board will either select the applicant which can make the strongest presentation or select more than one applicant if justified. Compensation is to the extent the agency's budget for this purpose will permit. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim, but not later than 60 days after a completed claim is submitted.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address if its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by § 5.49 of the recently revised DOT regulations governing this financial assistance program (44 FR 4675; January 23, 1979). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

Availability of Comments

All comments, presentations and a transcript of the public meeting will be available for public viewing at: Docket Section, NHTSA, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegatons of authority at 49 CFR 1.50 and 501.8)

Issued on August 30, 1979.

A. C. Malliaris,

Acting Associate Administator for Rulemaking.

[FR Doc. 79-27563 Filed 8-30-79; 3:57 pm]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 44, No. 172
Tuesday, September 4, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Frederick Training Facility, Frederick, Md.; Issuance of Negative Declaration

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Availability of Environmental Assessment and Negative Declaration.

SUMMARY: This gives notice that the Animal and Plant Health Inspection Service is not preparing an environmental impact statement concerning the consolidation of two Plant Protection and Quarantine training staffs from Battle Creek, Michigan, and Hyattsville, Maryland, to a new facility located in the Amber Meadows Business Park on the north side of Frederick, Maryland. The environmental assessment of this action indicates that the existing facilities have not caused significant adverse local, regional, or national impacts on the environment in the past. There are no adverse environmental impacts anticipated in the future for this new facility. No significant controversy has been associated with this project. As a result of these findings, it has been determined that the preparation and review of an environmental impact statement is not needed for this action.

ADDRESSES: Requests for copies of the environmental assessment should be addressed to the Energy and Environmental Staff, Architectural Engineering Branch, Administrative Services Division, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 271, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION: Contact Kenneth J. Dunn, Energy and Environmental Staff, (301) 436–8237.

SUPPLEMENTARY INFORMATION: Animal and Plant Health Inspection Service is responsible for operating plant import stations and quarantine facilities that inspect imported plants which may be diseased or carry insect vectors. The proposed Frederick, Maryland, facility will train about 150–200 new and experienced plant inspectors and/or quarantine personnel per year to ensure that they have the technical competencies necessary to accomplish program objectives. The new one story facility of 10,600 square feet will contain classrooms, a training laboratory, a library, office spaces and other related rooms.

No administrative action will be taken until 15 days after date of this publication.

This notice has been reviewed under the U.S. Department of Agriculture criteria established to implement the EO 12044, Improving Government Regulations. A determination has been made that this notice should not be classified significant under those criteria. The environmental assessment referred to in the notice meets the requirements of EO 12044 and Secretary's Memorandum 1955 for an impact analysis statement. The environmental assessment is available from the Energy and Environmental Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

Done at Washington, D.C., this 29th day of August 1979.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 79-27489 Filed 8-31-79; 8:45 am]

BILLING CODE 3410-34-M

Food and Nutrition Service

Food Stamp Workfare Demonstration Project; Reopening of Opportunity for Applications

AGENCY: Food and Nutrition Service, USDA.

ACTION: Reopening of Opportunity for Applications.

SUMMARY: On November 28, 1978, 43 FR 55334, the Department published in the **Federal Register** final rulemaking and a Notice of Intent for the Food Stamp Workfare Demonstration Project (originally published in the **Federal Register** Docket Number 78–33376) which is mandated by Subsection 17(b)(2) of the Food Stamp Act of 1977. Under this project, food stamp work registrants will be required to perform work in a public service capacity in exchange for the coupon allotment to which their household is otherwise normally entitled. The Notice of Intent announced the intention of the Departments of Agriculture and Labor to jointly conduct the project and sought proposals for project operation from eligible political subdivision or groupings thereof wishing to take part in the project. We are hereby reopening the opportunity to reconsider applications on file and those received in response to this Notice for a period of 10 working days from the date of publication of this Notice in the **Federal Register**. This action has been judged to be necessary by the Departments in order to provide further opportunity for interested jurisdictions, especially urban sites as defined in the Notice of Intent, to participate in this demonstration project. Interested jurisdictions should forward a letter of intent no later than September 18, 1979 to Ms. Alberta Frost, Acting Deputy Administrator, Food and Nutrition Service, Food Stamp Program, USDA, Washington, D.C. 20250.

DATE: The due date for letters of intent is reopened for a period of 10 working days from the publication date of this Notice in the **Federal Register** or no later than September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Claire Lipsman, Director, Program Development Division, U.S. Department of Agriculture, Room 658, 500 12th St, S.W., Washington, D.C. 20250 telephone (202) 447–8325.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

Ernest G. Green,

Assistant Secretary for Employment and Training Administration.

August 27, 1979.

[FR Doc. 79-27440 Filed 8-31-79; 8:45 am]

BILLING CODE 3410-30-M

Food Safety and Quality Service

Organization, Functions, and Delegation of Authority

Pursuant to the authority of the Administrator, Food Safety and Quality

Service, appearing at 7 CFR 2.7, and 2.92, the following Statement of Organization, Functions, and Delegations of Authority of Food Safety and Quality Service is made:

Organization and Functions

Section 1. *General.* Food Safety and Quality Service, hereinafter referred to as FSQS was created by the Secretary of Agriculture on March 14, 1977 (42 FR 20165: April 18, 1977).

Section 2. *Central Office.* The central office of FSQS is located at Washington, D.C., and consists of the Office of the Administrator, Associate Administrator, and five Deputy Administrators as follows:

Office of the Administrator

Information and Legislative Affairs.
Policy Studies and Public Participation.
Equal Employment Opportunity.

Associate Administrator

Deputy Administrator, Commodity Services.
Deputy Administrator, Science.
Deputy Administrator, Meat and Poultry Inspection.
Deputy Administrator, Compliance.
Deputy Administrator, Administrative Management.

Section 3. *Field Organization.* The location of principal field offices is as follows for each major program:

Meat and Poultry Inspection

Regions

North Central: Room 419, United States Courthouse Building, East 1st and Walnut Streets, Des Moines, IA 50309.
Northeastern: 7th Floor, 1421 Cherry Street, Philadelphia, PA 19102.
Southeastern: Room 216, 1718 Peachtree Street, NW., Atlanta, GA 30309.
Southwestern: Room 5–F41, 1100 Commerce Street, Dallas, TX 75242.
Western: Room 102, Building 2–C, 620 Central Avenue, Alameda, CA 94501.

Science

Multidisciplinary Laboratories

Western: U.S. Appraisers Building, 630 Sansome Street (Mail: P.O. Box 2433), San Francisco, CA 94126.
Midwestern: Room 704, Federal Building, 405 South 12th Street, St. Louis, MO 63102.
Eastern: Russel Research Station Road (Mail: P.O. Box 6085), Athens, GA 30604.

Midwestern Associated Laboratories

National Residue: 1815 N. University Street, Peoria, IL 61604.
Kansas City: 417 Federal Building, Kansas City, KS 66101.

Staff Laboratories

Special Projects, Room 612, Agriculture Annex Building, 12th and C Streets, SW., Washington, DC 20250.
Agricultural Research Center, Beltsville, MD 20705; Methods Development, Building 318, Compounds, Building 306, Microbiology, Building 319, Pathology, Building 318, Epidemiology, Building 318C.

Commodity Services

Regions

Fresh Fruit and Vegetable Operations

Central: Room 1012, 610 South Canal Street, Chicago, IL 60607.
Eastern: Room 2052, South Building, 14th and Independence Avenue, SW., Washington, DC 20250.
Western: Room 739, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111.

Processed Fruit and Vegetable Operations

Central: Room 1014, U.S. Custom House, 610 South Canal Street, Chicago, IL 60607.
Southeast: Federal Building, 3rd Street and Avenue A., SW (For Mail: P.O. Box 860), Winter Haven, FL 33880.
Western: Suite 416, 111 West St. John Street, San Jose, CA 95113.

Dairy Operations

Room 754, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111.
Room 803, 610 South Canal Street, Chicago, IL 60607.
Room 242, Federal Building, 110 South 4th Street, Minneapolis, MN 55401.
Room 1205, U.S. Courthouse and Federal Building, 100 South Clinton Street, Syracuse, NY 13260.

Poultry Operations

Eastern: 469 Hospital Drive, Gastonia, NC 28052.
East Midwest: No. 1 Natural Resources Drive, Room 1109, Little Rock, AR 72205.
West Midwest: Room 777, 210 Walnut Street, Des Moines, IA 50309.
Western: Room 219, Federal Building, 401 North San Joaquin Street, Stockton, CA 95202.

Laboratories

Poultry Laboratory, 469 Hospital Drive, Gastonia, NC 28052.
Dairy Grading Laboratory, Room 666, 610 South Canal Street, Chicago, IL 60607.

Main Stations

Meat Grading Operations

Building 7, Section A, 4747 Eastern Avenue, Bell, CA 90201.
Post Office Building, 815 Court Street, Martinez, CA 94553.
206 Livestock Exchange Building, 47th and Lafayette, Denver, CO 80216.
Room 204, 1718 Peachtree Street, NW., Atlanta, GA 30309.
Room 203, 4101 South Halsted Street, Chicage, IL 60609.
Room 225, Livestock Exchange Building, 800 South Chambers Street, Sioux City IA 51107.
Post Office Building (For Mail: P.O. Box 27), South St. Paul, MN 55075.
Room 760, Livestock Exchange Building, Kansas City, MO 64102.
Room 723, Livestock Exchange Building, Omaha, NE 68107.
1101 State Road, Building E., Princeton, NJ 08540.
Amarillo Livestock Exchange, Auction Building, 101 Manhattan Street (For Mail: P.O. Box 30217), Amarillo, TX 79120.

Compliance

Evaluation and Enforcement Division, Review Activities

804 West 24th Street, Lawrence, KS 66044.

Enforcement Activities

North Central: 965 Federal Building, 210 Walnut Street, Des Moines, IA 50309.
Southwestern: Room 5–F–33, 1100 Commerce Street, Dallas, TX 75242.
Northeastern: Blazon II Building, 505 South Lenola Road, Moorestown, NJ 08057.
Southeastern: Room 431, 1720 Peachtree Street, NW., North Tower, Atlanta, GA 30309.
Western: Room 111, Building 2-F, 620 Central Avenue, Alameda, CA 94501.

Administrative Management

Field Office Branches

Program Services Branch.
Personnel Operations Branch.
The above field offices are located at 123 E. Grant Street, Minneapolis, MN 55403.

Section 4. *The Office of the Administrator.*

(a) *The Administrator.* The Administrator of FSQS, under the direction of the Assistant Secretary for Food and Consumer Services, formulates, directs, and supervises the execution of FSQS policies, programs, and activities. The Administrator is authorized to take any action, execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction, required by or authorized by law and deemed by the Administrator to be necessary and proper to the discharge of the functions assigned to FSQS, and to delegate and provide for redelegation of authority to appropriate officers and employees consistent with, and with due regard to the continuing responsibility for the proper discharge of delegations made by the Administrator. Delegations and provisions for redelegation are stated in Sections 13, 14, 15, 16, 17, 18, and 19.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of the programs and activities assigned to FSQS, and is authorized to act for the Administrator in performing all functions for which the Administrator is responsible.

(c) *Deputy Administrator, Commodity Services.* The Deputy Administrator, Commodity Services, is responsible for:

(1) Participating with the Administrator and other Agency officials in the planning, formulation, and review of all policies, programs, procedures, and activities of FSQS.

(2) Planning, providing leadership, formulating and coordinating policies, developing regulations pursuant to laws, and directing the administration of Commodity Services programs and activities. These programs and activities include the standardization and quality inspection and grading of dairy products, fresh and processed fruits and vegetables, meat, poultry, poultry products, shell eggs, egg products, rabbits, and miscellaneous commodities, under the Agricultural Marketing Act of 1946 and other laws. Also included are the administration of the Egg Products Inspection Act, the Government-wide Quality Assurance Program, the commodities purchase services under Section 6 of the National School Lunch Act of 1946, Section 32 of the Act of August 24, 1935, and other authorities. In conjunction with Compliance, recommendations are made to withdraw services, and prosecute or take other enforcement actions where indicated.

(3) Providing leadership, guidance, expertise, assistance and coordination in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by three commodity and one functional units: the Fruit and Vegetable Quality Division, the Meat Quality Division, the Poultry and Dairy Quality Division, and the Food Quality Assurance Division.

(d) *Deputy Administrator, Science.* The Deputy Administrator, Science, is responsible for:

(1) Participating with the Administrator and other Agency officials in the planning, formulation, and review of all policies, programs, procedures, and activities of FSQS.

(2) Planning, providing leadership, formulating and coordinating policies, assisting in the development of regulations pursuant to laws, and directing the administration of Science programs and activities. These programs and activities include developing and maintaining a food-borne hazard reporting system, and a residue monitoring and surveillance program for meat and poultry products. Also included is the establishment of Agency nutritional policies (including the use of food additives in meat and poultry), and the operation of regulatory field service laboratories. In addition to maintaining liaison with national and international laboratories, the program identifies, recommends, and coordinates the initiation and conduct of appropriate scientific projects, to support Meat and Poultry Inpsection, Compliance, and Commodity Services, wherever appropriate.

(3) Providing leadership, guidance, expertise, assistance, and coordination in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by seven functional units: the Chemistry Division, the Field Service Laboratories Division, the Food Ingredient Assessment Division, the Mathematics and Statistics Division, the Microbiology Division, the Pathology and Epidemiology Division, and the Residue Evaluation and Surveillance Division.

(e) *Deputy Administrator, Meat and Poultry Inspection.* The Deputy Administrator, Meat and Poultry Inspection, is responsible for:

(1) Participating with the Administrator and other Agency officials in the planning, formulation, and review of all policies, programs, procedures, and activities of FSQS.

(2) Planning, providing leadership, formulating and coordinating policies, developing and implementing regulations pursuant to laws, and directing the administration of Meat and Poultry Inspection programs and activities to assure that meat, poultry, and their products, which move in foreign and interstate commerce, are wholesome, properly labeled, and not adulterated. These programs and activities include the development of methods and the conduct of ante-mortem and post-mortem inspection, and the monitoring of State inspection programs approved as equal to Federal inspection. The program determines acceptable methods for humane slaughter of animals, and provides a check on compliance with these methods. In conjunction with Compliance, plants, facilities, and individuals are monitored; recommendations are made for the withdrawal of services, prosecution, or other enforcement actions where indicated.

(3) Establishing operating requirements and criteria for facilities, equipment, sanitation, environmental, employee safety conditions; approves the physical plant and equipment for meat and poultry plants subject to regulatory control. The program coordinates the establishment of regulatory criteria for disposition of meat, poultry, and their carcasses, and develops procedures to maintain product security and control of condemned and inedible materials. Foreign inspection systems and plants exporting to the United States are evaluated, and surveillance is maintained for compliance with an approved inspection plan.

(4) Providing leadership, guidance, expertise, assistance, and coordination in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by the functional units of Technical Services and Field Operations.

(f) *Deputy Administrator, Compliance.* The Deputy Administrator, Compliance, is responsible for:

(1) Participating with the Administrator and other Agency officials in the planning, formulation, and review of all policies, programs, procedures, and activities of FSQS.

(2) Planning, providing leadership, formulating and coordinating policies, developing regulations pursuant to laws, and directing the administration of Compliance programs and activities. These programs and activities assure that actions necessary for legal and regulatory compliance are effective, fair, and applied uniformly. An audit program is conducted to measure results of these efforts and to recommend corrections for existing or potential problems. The development of meat and poultry product standards and FSQS regulations is coordinated, and liaison is maintained with the departmental Office of the Inspector General and the General Accounting Office. Using compliance, surveillance, and enforcement programs, Agency actions are coordinated to withdraw grading and inspection service, to prosecute, or to take other enforcement actions where indicated.

(3) Developing, implementing, and reviewing labeling policy and food packaging systems to eliminate fraudulent practices.

(4) Preparing subpoenas for issuance by the Administrator in matters relating to the efficient administration and enforcement of the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, pursuant to 15 U.S.C. 49 as authorized by 21 U.S.C. 677 and 21 U.S.C. 467d, and the Agricultural Marketing Act of 1946.

(5) Providing leadership, guidance, expertise, assistance, and coordination in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by four functional units: the Evaluation and Enforcement Division, the Planning and Analysis Division, the Meat and Poultry Standards and Labeling Division, and the Regulations Coordination Division.

(g) *Deputy Administrator, Administrative Management.* The Deputy Administrator, Administrative Management, is responsible for:

(1) Participating with the Administrator and other Agency officials in the planning, formulation, and review of all policies, programs, procedures, and activities of FSQS.

(2) Planning, providing leadership, formulating and coordinating policies, and directing the administration of Administrative Management services to be provided for all organizational segments of FSQS. These services include budget formulation, presentation, and execution, financial analysis, personnel administration, and resources management. Also included are the management of material procurement, real and personal property, and office services. Management improvement initiatives are undertaken, and control of Agency information access is maintained.

(3) Coordinating the development of cooperative and service agreements, master Memoranda of Understanding and all agreements between FSQS and other agencies.

(4) Providing leadership, guidance, expertise, assistance, and coordination in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by six functional units: the Executive Secretariat, Administrative Services Division, Budget, Planning and Evaluation Division, Finance Division, Management Improvement Division, and Personnel Division.

Section 5. *Information and Legislative Affairs.* Information and Legislative Affairs, under the direction and supervision of the Administrator, is responsible for:

(1) Developing and disseminating information to apprise and educate the public regarding the services provided by FSQS and the means by which the public may obtain these services. Additionally, information on food safety, nutrition, labeling, and quality, will be provided to assist consumers in obtaining maximum food value.

(2) Advising and assisting the Administrator and other Agency officials on all matters relating to legislative bills, proposals, and correspondence. Liaison will be maintained with the Office of Governmental and Public Affairs and with the appropriate congressional committees.

Section 6. *Policy Studies and Public Participation.* Policy Studies and Public Participation, under the direction and supervision of the Administrator, is responsible for:

(1) Developing, recommending, and advising on policy options relating to overall FSQS programs. In addition, an assessment of economic and program ramifications of alternative strategies and possible courses of action will be made.

(2) Actively pursuing and obtaining public participation in the rulemaking process. The establishment of advisory committees for ideas, comments, review, and recommendations will be based on balanced representation from all potentially interested groups.

(3) Coordinating the handling of citizen complaints and working with the Office of Governmental and Public Affairs to identify problems which impact the public.

Section 7. *Equal Employment Opportunity Staff.* Equal Employment Opportunity Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Developing and implementing the Agency's EEO Program by reviewing proposed changes in Agency policies which impact on the employment of minorities and women, preparing directives and regulations on EEO, and developing projects for special emphasis in selected EEO areas.

(2) Informing the Administrator and top Agency officials about EEO progress and problems after evaluation of subordinate organizational levels (i.e., regions, States, offices, divisions). This staff will coordinate matters of EEO policy with the Department's Office of Equal Employment Opportunity.

(3) Implementing the Agency Upward Mobility Programs by developing formal career opportunities and disseminating relevant information to all eligible employees.

(4) Assuring that officials designated to receive or take action on formal EEO complaints do so within the required time limits.

Section 8. *Commodity Services.* The Food Quality Assurance; Fruit and Vegetable Quality; Meat Quality; and the Poultry and Dairy Quality Divisions, under direction of the Deputy Administrator for Commodity Services are responsible as follows:

(a) *Food Quality Assurance Division.* The Food Quality Assurance Division is responsible for:

(1) Coordinating the development of specifications for meat, poultry, dairy, fruits and vegetables, and approving all specifications used in Federal procurement programs.

(2) Coordinating research in food specifications, monitoring amendments to the commodity specifications portion of food purchase contracts, and serving as Federal liaison on food specifications matters.

(b) *Fruit and Vegetable Quality Division.* The Fruit and Vegetable Quality Division is responsible for:

(1) Development, establishment, and revision of U.S. Grade Standards, and the voluntary quality inspection programs for fresh and processed fruits and vegetables, edible nuts, and miscellaneous assigned commodities authorized by the Agricultural Marketing Act of 1946.

(2) Diversion, purchase, and export programs authorized by Section 32 of the Act of August 24, 1935; Section 6 of the National School Lunch Act and other authorities, as they pertain to fruits and vegetables.

(3) Representing the Agency and the Department with U.S. Interagency and State groups or agencies and other national and international organizations relative to fruit and vegetable quality program matters.

(4) Recommending the withdrawal of commodity services or other enforcement actions where indicated.

(c) *Meat Quality Division.* The Meat Quality Division is responsible for:

(1) Development, establishment, and revision of U.S. Grade standards and the grading, examination, and certification service on meat and meat products in accordance with Federal grade and class standards, and applicable specifications.

(2) Diversion, purchase, and export programs authorized by Section 32 of the Act of August 24, 1935; Section 6 of the National School Lunch Act and other authorities for meat and meat products.

(3) Representing the Agency and the Department with U.S. Interagency and State groups or agencies and other national and international organizations relative to meat and meat products quality program matters.

(4) Recommending the withdrawal of commodity services or other enforcement actions where indicated.

(d) *Poultry and Dairy Quality Division.* The Poultry and Dairy Quality Division is responsible for:

(1) Development, establishment, and revision of U.S. Grade standards, and the voluntary inspection of egg products, the voluntary grading of dairy, poultry, rabbits, shell eggs and related products authorized by the Agricultural Marketing Act of 1946, and the Processed and Renovated Butter Act.

(2) Mandatory continuous inspection of egg products and the surveillance inspection of shell egg handlers and hatcheries authorized by the Egg Products Inspection Act of 1970.

(3) Diversion, purchase, and export programs authorized by Section 32 of the Act of August 24, 1935; Section 6 of the National School Lunch Act and other authorities for poultry and poultry products.

(4) Representing the Agency and the Department with U.S. Interagency and State groups or agencies and other national and international organizations relative to poultry and dairy products quality program matters.

(5) Recommending the withdrawal of commodity services or other enforcement activities where indicated.

Section 9. *Science.* The Chemistry; Mathematics and Statistics; Microbiology; Pathology and Epidemiology; Field Service Laboratories; Residue Evaluation and Surveillance; and Food Ingredient Assessment Divisions, under direction of the Deputy Administrator for Science, are responsible as follows:

(a) *Chemistry Division.* The Chemistry Division is responsible for:

(1) Conducting applied research and special studies to meet Agency needs and to develop analytic methods suitable for the regulatory programs.

(2) Maintaining a quality assurance program and carrying out interlaboratory collaborative studies to ensure valid chemical data throughout the Agency.

(3) Developing and managing the certified and recognized laboratory programs with non-Federal government laboratories for analyses of official Agency samples.

(b) *Mathematics and Statistics Division.* The Mathematics and Statistics Division is responsible for:

(1) Design of acceptance sampling systems.

(2) Design of studies, analysis, and specification of the limits of warranted inference for data of interest to the Agency.

(3) Design and analysis of studies from which standards and specifications are developed or revised.

(4) Assisting in the development of residue monitoring and surveillance systems.

(5) Development and implementation, in cooperation with other staffs, of statistical training for Agency personnel.

(6) Statistical evaluation of proposed plant quality control systems.

(7) Scientific computer support necessary to carry out the responsibilities of Science.

(c) *Microbiology Division.* The Microbiology Division is responsible for:

(1) Conducting a general food microbiology program to analyze canned products under the regulatory responsibility of the Agency; identifying pathogens, toxins, extraneous material and species of animal tissues found in food processed under the Agency's control, and operating an antibiotic residue identification program.

(2) Conducting field investigations of sanitation to develop microbiological criteria for wholesome food.

(3) Developing guidelines and policies concerning thermal processing of food products.

(d) *Pathology and Epidemiology Division.* The Pathology and Epidemiology Division is responsible for:

(1) Contributing to the development of criteria for ante-mortem and post-mortem inspection of animals and poultry.

(2) Investigating emerging conditions involving human or animal health; operating a foodborne hazard control center; and maintaining liaison with State and Federal health agencies.

(3) Operating a national diagnostic pathology program; assisting in developing and presenting training programs in pathology and epidemiology for field personnel; conducting studies of infectious agents associated with food.

(4) Developing serological testing systems for detecting infectious and toxic agents in foods.

(e) *Field Service Laboratories Division.* The Field Service Laboratories Division is responsible for:

(1) Operating a laboratory program which provides services in the disciplines of chemistry, microbiology, and pathology to conduct analyses for economic fraud, food additives, and nutrition; to diagnose diseases, parasites, and similar pathogens in animal tissues; and to determine levels of drug, pesticide, and chemical residues in meat and poultry.

(2) Assuring the quality and integrity of nongovernment laboratories endorsed by the Agency to perform similar analyses on a commercial basis.

(f) *Residue Evaluation and Surveillance Division.* The Residue Evaluation and Surveillance Division is responsible for:

(1) Planning and evaluating a residue program to detect and determine the extent of antibiotic, drug, or chemical residues in food products under Agency jurisdiction, and to prevent residue adulterated food products from entering commerce.

(2) Assisting in the evaluation of industry quality assurance programs related to residue program.

(3) Conducting toxicological studies and evaluation of substances in food of potential adverse significance to human health.

(g) *Food Ingredient Assessment Division.* The Food Ingredient Assessment Division is responsible for:

(1) Coordinating the establishment of Agency nutritional policies and developing recommendations for documents needed to implement nutritional standards.

(2) Evaluating and recommending research on the methods used to assess nutrient levels for meat and poultry products; evaluating profiles of fabricated foods to determine if expected nutrient levels are present in proportions usual to meat and poultry products.

(3) Developing guidelines and policies for the use of fortified nonmeat and nonpoultry ingredients (such as vegetable protein) in preparing finished meat and poultry products.

(4) Evaluating, approving, disapproving the safety and use of food additives in meat and poultry products.

(5) Determining the safety of compounds and packages used by industry during the processing of food products.

Section 10. *Meat and Poultry Inspection.* Technical Services and Field Operations, under direction of the Deputy Administrator for Meat and Poultry Inspection are responsible as follows:

(a) *Technical Services.* Technical Services is responsible for:

(1) Assessing the food safety and public health implications of emerging agricultural practices and technology.

(2) Determining acceptable methods for humane slaughter, and developing procedures for inspecting livestock, poultry, and their processed products.

(3) Developing procedures for maintaining product security and the control of condemned and inedible materials; coordinating the establishment of regulatory criteria for the wholesomeness of processed product, and the disposition of livestock, poultry, and their carcasses.

(4) Coordinating and developing facility, equipment, sanitation, and operating requirements for meat and poultry regulatory programs.

(5) Preparing environmental considerations; approving new construction, plant modifications, and equipment in plants subject to regulatory control.

(6) Developing and modifying inspection work standards, and conducting technical training for inspection personnel.

(b) *Field Operations.* Field Operations is responsible for:

(1) Conducting ante-mortem and post-mortem inspection of meat animals, meat products, poultry, and poultry products intended for human consumption, including compliance with the Humane Slaughter Act, and monitoring the accuracy of product labels.

(2) Monitoring plants, other facilities, and individuals for compliance with legal orders and monitoring equal-to inspection programs of States.

(3) Administering the requirements of Section 20 of the Federal Meat Inspection Act and Section 17 of the

Poultry Products Inspection Act with respect to imported meat and poultry; conducting activities for import inspection, and the inspection and certification of meat and poultry proposed for export; providing guidance to regional and area offices concerning import and export activities.

(4) Coordinating with the State Department and the Foreign Agricultural Service regarding the impact of program actions on foreign trade interests.

(5) Receiving and referring to Compliance recommendations to withdraw inspection services.

(6) Directing regional offices as follows:

(i) Planning, providing leadership, and coordinating Field Operations programs and activities within the region for all activities related to inspection of meat, poultry, and related products.

(ii) Granting, refusing, suspending, and recommending withdrawal of inspection services to meat and poultry establishments in accordance with applicable regulations.

(iii) Providing voluntary inspection services relating to wholesomeness of meat and poultry products used as food for dogs, cats, and other carnivora.

(iv) Directing, coordinating, and integrating the activities of subordinate area offices.

Section 11, *Compliance.* The Evaluation and Enforcement, Planning and Analysis, Regulations Coordination, and the Meat and Poultry Standards and Labeling Divisions, under direction of the Deputy Administrator for Compliance are responsible as follows:

(a) *Evaluation and Enforcement Division.* The Evaluation and Enforcement Division is responsible for:

(1) Providing systematic nationwide monitoring of the effectiveness of inspection and grading programs through periodic reviews and special studies.

(2) Providing systematic nationwide monitoring of businesses engaged in interstate food marketing and distribution; detecting and documenting statutory violations; assuring that appropriate remedies or sanctions are effected.

(3) Controlling violative products through detentions, civil seizures, and voluntary recalls.

(4) Cooperating with States in the development of compliance programs for intrastate products and businesses; monitoring State compliance programs to assure they meet Federal specifications.

(5) Issuing letters of warning; referring reports and recommendations to the Office of the General Counsel, Justice Department, or other appropriate officials for criminal/civil/administrative action.

(6) Developing and maintaining contacts with appropriate enforcement groups.

(b) *Planning and Analysis Division.* The Planning and Analysis Division is responsible for:

(1) Planning and implementing compliance policy and programs to promote the effectiveness, fairness, and uniformity of compliance actions.

(2) Providing information systems to support evaluation, enforcement, regulations, standards and labeling functions.

(3) Identifying and providing advice on regulatory, legal, and administrative compliance problems.

(4) Developing and maintaining liaison with the Office of Inspector General, the General Accounting Office, and other groups with enforcement, evaluation, and related responsibilities.

(c) *Regulaitons Coordination Division.* The Regulations Coordination Division is responsible for:

(1) Coordinating, clearance, and developing as appropriate all FSQS proposed and final regulations and issuances, and coordinating the review of all existing FSQS regulations and issuances.

(2) Coordinating and maintaining the Administrative Record for all FSQS regulations.

(3) Maintaining clearance and publication systems for regulations, bulletins, notices, and instructions.

(d) *Meat and Poultry Standards and Labeling Division.* The Meat and Poultry Standards and Labeling Division is responsible for:

(1) Developing meat and poultry product standards.

(2) Developing labeling policy for meat, poultry, and their processed products; reviewing all labels for approval or disapproval.

(3) Reviewing food packaging systems to eliminate fraudulent practices.

Section 12. *Administrative Management.* The Executive Secretariat; Administrative Services; Budget, Planning and Evaluation; Finance; Management Improvement; and Personnel Divisions, under direction of the Deputy Administrator for Administrative Management, are responsible as follows:

(a) *Executive Secretariat.* The Executive Secretariat is responsible for:

(1) Coordinating the review and clearances of all proposed FSQS issuances including directives, Federal Register dockets, and cooperative agreements for conformance to administrative procedure.

(2) Developing policy and procedures for handling the disposition of requests made under the Freedom of Information Act and Privacy Act and maintaining proper identification and safeguards of files coming within the scope of the Privacy Act.

(3) Tracking and reporting the status of all priority items and assignments for FSQS.

(4) Managing and operating the FSQS Information Processing Center and preparing recurring Agency reports of program goals and accomplishments.

(5) Developing correspondence control procedures for the Office of the Administrator.

(b) *Budget, Planning and Evaluation Division.* The Budget, Planning and Evaluation Division is responsible for:

(1) Coordinating the formulation of the overall budget and assisting in establishing program goals, milestones, and annual budget targets.

(2) Coordinating the development of annual Agency work plans, travel and other operational plans.

(3) Tracking and reporting on program progress to identify trends and problems.

(c) *Finance Division.* The Finance Division is responsible for:

(1) Administering fiscal and related management programs.

(2) Developing the accounting and related financial systems and procedures.

(d) *Administrative Services Division.* The Administrative Services Division is responsible for providing staff leadership and operatng administrative services and assistance to FSQS managers in the area of:

(1) Real and personal property.

(2) Procurement of supplies and equipment.

(3) Forms and reports.

(4) Records management and disposition.

(5) Design and construction of FSQS facilities.

(6) Printing and distribution services.

(7) Contract agreement.

(e) *Management Improvement Division.* The Management Improvement Division is responsible for:

(1) Planning, providing staff leadership, and operating administrative services assistance to service managers and program leaders in the areas of management system design and improvement, and automated data processing systems.

(2) Reviewing and recommending approval (or disapproval) of the acquisition of all electronic data processing equipment or word processing equipment proposed for use within FSQS prior to purchase or lease.

(f) *Personnel Division.* The Personnel Division is responsible for:

(1) Providing staff leadership and coordination for the development and evaluation of programs and systems for implementing and executing an overall personnel program.

(2) Planning, providing staff leadership, and operating personnel management services and assistance to FSQS managers and program leaders in the areas of:

(i) position management;

(ii) position classification;

(iii) salary and wage administration;

(iv) employee development, training, and related activities;

(v) recruitment and placement;

(vi) safety;

(vii) employee relations; and

(viii) labor management relations.

Delegations of Authority

Section 13. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which many hereafter be vested in the Administrator, including the power of redelegation, except when prohibited, and including authority reserved to the Administrator outlined in Section 22 below. He is also authorized to act for the Administrator in his absence or from time to time when the Administrator is not available.

Section 14. *Authority to Serve as Acting Administrator.* (a) When the Administrator and Associate Administrator plan to be absent or unable to perform the duties of the Administrator, the Administrator will make a specific designation in writing, of an Acting Administrator.

(b) When the Administrator and Associate Administrator are absent or unable to perform the duties of the Administrator and a specific designation has not been made, the Deputy Administrators, in the order named, are designated to serve as Acting Administrator:

(1) Deputy Administrator, Compliance.

(2) Deputy Administrator, Meat and Poultry Inspection.

(3) Deputy Administrator, Commodity Services.

(4) Deputy Administrator, Science.

(5) Deputy Administrator, Administrative Management.

(c) In the event of extreme emergency that prevents the Administrator, Associate, and the Deputy Administrators from assuming the duties of the Administrator. Assistant Deputy Administrators are designated to serve as Acting Administrator, in the same order as Deputy Administrators named above, until such time as the Administrator or one of the above-designated alernates is capable of serving as Administrator.

Section 15. *Deputy Administrators.* The Deputy Administrator, Commodity Services; the Deputy Administrator, Science; the Deputy Administrator, Meat and Poultry Inspection; the Deputy Administrator, Compliance; the Deputy Administrator, Administrative Management; and the officers they designate—with prior specific approval of the Administrator—to act for them, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator or as provided in Section 4(f)(4). Each Deputy Administrator shall be primarily responsible for the programs and activities of the Food Safety and Quality Service herein or hereafter assigned to him/her.

Section 16. *Director, Information and Legislative Affairs.* The Director, Information and Legislative Affairs is hereby delegated authority in connection with the respective functions herein assigned to him/her, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator.

Section 17. *Director, Policy Studies and Public Participation.* The Director, Policy Studies and Public Participation, is hereby delegated authority in connection with the respective functions herein assigned to him/her to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator.

Section 18. *Director, Equal Employment Opportunity.* The Director, Equal Employment Opportunity, is hereby delegated authority in connection with the respective functions herein assigned to him/her to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator.

Section 19. *Division and Staff Directors, Commodity Services, Science, Meat and Poultry Inspection, Compliance, and Administrative Management,* are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator, except the authorities reserved to the Administrator and Deputy Administrators.

Section 20. *Concurrent Authority and Responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions, or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator.

Section 21. *Prior Authorizations and Delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect, except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

Reservation of Authority

Section 22. *Reservation of Authority.* There is hereby reserved to the Administrator, or to the individual designated to act in his/her stead, the following:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law.

(c) The transfer of functions between Deputy Administrators.

(d) The reprogramming of the use of appropriated funds among Deputy Administrators.

(e) The transfer of funds between work projects within each Deputy Administrator's area, except those not exceeding 10 percent of base funds, or $50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization, including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in

location, or abolishment of (1) regional, State, area, and other field headquarters offices, and (2) any region or other program area that involves two or more States, or that crosses State lines, except inspection and grading circuits which are adjusted by the respective Deputy Administrators.

(h) Authority to establish, consolidate, or change a location, or abolish any field office, or change program area boundaries not included in (g) above.

(i) Approval of all appointments, promotions, and reassignments in GS–14 and above.

(j) Approval of all appointments, promotions, and reassignments of employees to foreign countries.

(k) Approval of budget estimates for submission to the office of the Secretary, Office of Management and Budget, and the Congress.

Section 23. *Availability of Information and Records.* Any person desiring information or to make submittals or requests with respect to programs and functions of the Agency should address his request to the appropriate Deputy Administrator, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Note.—This notice has been reviewed under the USDA criteria to implement Executive order 12044, and has not been designated "significant." Further, this delegation of authority is for Agency management purposes only and does not require preparation of an impact analysis under the aforementioned criteria.

Accordingly, this notice is effective September 4, 1979.

Done at Washington, D.C., this 28th day of August 1979.

Thomas P. Grumbly,

Acting Administrator, Food Safety and Qualtiy Service.

[FR Doc. 79-27426 Filed 8-31-79; 8:45 am]

BILLING CODE 3410-37-M

Rural Electrification Administration Intent To Prepare a Draft Environmental Impact Statement and Notice of Time and Place for a Public Scoping Meeting

Notice is hereby given that the Rural Electrification Administration (REA) as lead agency intends to prepare a Draft Environmental Impact Statement in order to fulfill its requirements under the National Environmental Policy Act of 1969 in connection with a possible loan guarantee commitment to the Central Iowa Power Cooperative (CIPCO) of Cedar Rapids, Iowa 52406, for its planned 150 MW ownership share in the construction of a 650 MW coal-fired electric generation power plant and related transmission facilities. Three other utilities, namely, Iowa Electric Light and Power Company, Interstate Power Company, and Iowa Power and Light Company, having respective ownership share interests of 250 MW, 150 MW, and 100 MW, plan to participate in this project.

The utilities tentatively propose that the generating facilities be located in Guthrie County, Iowa, after investigating 15 other potential sites in Iowa, of which Harrison and Mills Counties were proposed as prime alternatives to the Guthrie County site.

Alternatives to be considered by REA and the borrower are described in REA Bulletin 20–21:320–21 and may include (a) no project, (b) conservation measures, (c) purchase power from other utilities, (d) alternative sites for the generating plant and transmission lines, (e) alternative fuels, and (f) alternative methods of generation.

Accordingly, notice is given that a meeting is hereby scheduled for 7:00 p.m., CDT, Tuesday, October 2, 1979, at Veterans Auditorium, 115 West Main Street, Panora, Iowa.

All agencies, groups and individuals having an interest are invited to attend this meeting and to participate in the scoping process to be conducted by REA. Interested parties are invited to submit written comments to REA prior to, at the scoping meeting, or within 30 days of the scoping meeting. Time will be made available at the scoping meeting of interested parties to make brief presentations.

For additional information on this notice, all inquiries should be addressed to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Any REA loan guarantee commitment to CIPCO for participation in this project will be subject to, and release of funds thereunder will be contingent upon, REA's arriving at satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with environmental impact statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 27th day of August 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 79-27393 Filed 8-31-79; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Docket 33363]

Former Large Irregular Air Service Investigation; Continuance of Hearing

The hearing on the application of JFC Enterprises, Inc., d.b.a. Concord International Airlines, heretofore set for 14 September 1979 (44 FR 47970, 16 August 1979) has been cancelled and is continued to 29 October 1979 at the time and place previously set.

Dated at Washington, D.C. 27 August 1979.

Rudolf Sobernheim,

Administrative Law Judge.

[FR Doc. 79-27424 Filed 8-31-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Alaska Advisory Committee (SAC) of the Commission originally scheduled for August 7, 1979, has been changed, (FR Doc. 79–25846) on page 49003.

The meeting now will be held on September 7, 1979, beginning at 3:00 p.m. and will end at 6:00 p.m. at the United Bank Alaska, 645 G Street, Anchorage, Alaska.

Dated at Washington, D.C., September 29, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-27398 Filed 8-31-79; 8:45 am]

BILLING CODE 6335-01-M

Delaware Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Delaware Advisory Committee (SAC) of the Commission will convene at 12 noon and will end at 4:00 pm, on September 25, 1979, at 820 North French Street, Wilmington, Delaware 19801.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is for a discussion of national, state and local civil rights issues affecting Delaware or its localities.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., August 28, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-27395 Filed 8-31-79; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 10:00 p.m., on September 24, 1979, at the Indianapolis Hilton, 31 West Ohio Street, Indianapolis, Indiana 46204.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is for a report of the Employment Sub-Committee, report of the Housing Sub-Committee and election of Vice-Chairperson and Secretary for the State Advisory Committee.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., August 29, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-27399 Filed 8-31-79; 8:45 am]

BILLING CODE 6335-01-M

Montana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 12 noon, on September 19, 1979, at the Boys Club of Billings, 20 South Broadway, Billings, Montana 59102.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is for a discussion of study of legal profession in Montana, plan for next project and release of edited papers from energy consultation.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., September 29, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-27397 Filed 8-31-79; 8:45 am]

BILLING CODE 6335-01-M

New York and New Jersey Advisory Committees; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference of the New York and New Jersey Advisory Committees (SAC) of the Commission will convene at 4:00 pm and will end at 10:00 pm on September 28, 1979 and will convene at 9:00 am and will end at 2:00 pm on September 29, 1979, at 10960 Tappan Towne House, Overlook Road and Mountainview Avenue, Nyack, New York.

Persons wishing to attend this conference should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is for program planning for FY 80-81.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., September 29, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-27400 Filed 8-31-79; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on September 29, 1979, at the Neil House Hotel, 41 South. High Street, Columbus, Ohio 43215.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review and assess the Cincinnati Police Open Meeting and discuss the projects for fiscal year 1980 and fiscal year 1981.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., August 28, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-27396 Filed 8-31-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

President's Export Council Subcommittee on GATT and Multilateral Trade Agreements; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Subcommittee on GATT and Multilateral Trade Agreements of the President's Export Council will be held on Monday, September 17, at 10:00 a.m. in Room 4830 in the Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12100 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1979, to advise the President on matters relating to United States export trade, including implementation of the President's National Export Policy.

The Subcommittee has been formed to give information and recommendations to the Council regarding matters relating to the General Agreement on Tariffs and Trade and implementation of the Multilateral Trade Negotiations. It is composed solely of members from the Council.

The agenda for the meeting will be as follows:

1. Opening remarks by the Chairman.
2. Reorganization of the Federal Government's trade functions.
3. Implementation of the results of the Multilateral Trade Negotiations (MTN).
4. MTN topics still under discussion.
5. Emerging trade policy issues.
6. Organization of the Subcommittee's future work.

A limited number of seats at the meeting will be available to the public

on a first-come basis. The public may file written statements with the Subcommittee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent that time is available.

Copies of the minutes of the meeting will be made available on written request, addressed to the Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the President's Export Council may be obtained from Ms. Wendy Haimes, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230, telephone (202) 377–5719.

Dated: August 28, 1979.

Abraham Katz,

Deputy Assistant Secretary for International Economic Policy and Research.

[FR Doc. 79-27390 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-25-M

Subcommittee on Export Expansion of the President's Export Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Subcommittee on Export Expansion of the President's Export Council will be held on Monday, September 17, 1979, at 2:00 p.m. in Room 4830, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The President's Export Council (PEC) was established by Executive Order 11753 of December 20, 1973, extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976 and Executive Order 12110 of December 28, 1978. The PEC was reconstituted by Executive Order 12131 of May 4, 1979, to advise the President on matters relating to United States export trade, including the implementation of the President's National Export Policy. The Subcommittee has been formed to make recommendations to the PEC on matters related to U.S. policies, practices and procedures which assist or inhibit the expansion of U.S. exports in the areas of finance, taxation, disincentives, transportation and documentation, as well as broader economic policies affecting the competitiveness of U.S. exports. The Subcommittee is composed solely of members of the Council.

The Subcommittee meeting agenda is as follows:

1. Opening remarks of the Chairman.

2. Determination of priority export tax, finance and other issues to be included in the Subcommittee's work program.

3. Organization of Working Groups to carry out the program, if necessary.

The meeting is open to the public at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

For further information, contact Mr. Brant W. Free, PEC Subcommittee on Export Expansion, Room 4312, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–3575.

Dated: August 28, 1979.

Abraham Katz,

Deputy Assistant Secretary for International Economic Policy and Research, Department of Commerce.

[FR Doc. 79-27391 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-25-M

Subcommittee on East-West Trade of the President's Export Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Subcommittee on East-West Trade of the President's Export Council will be held on Wednesday, September 19, at 4:00 p.m. in Room 4830 of the U.S. Department of Commerce, Fourteenth Street and Constitution Avenue, NW., Washington, D.C. 20230. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12100 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1979, to advise the President on matters relating to United States export trade, including the implementation of the President's National Export Policy. The Subcommittee on East-West Trade has been formed to analyze trade relations with the Soviet Union, the People's Republic of China and other communist countries, and to make recommendations on any aspect of East-West trade policy it deems important.

The agenda for the meeting is as follows:

Introductory remarks by Subcommittee chairman.

Results of solicitation of views from bilateral business councils and District Export Councils.

Discussion of subcommittee position on "critical" issues.

Subcommittee approval of issue position paper.

Status report on trade agreements with China and the Soviet Union.

Other organizational business; plans for next meeting.

A limited number of seats at the meeting will be available to the public on a first-come basis. The public may file written statements with the subcommittee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent that time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Subcommittee on East-West Trade may be obtained from Ms. Wendy Haimes, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5719.

Dated: August 28, 1979.

Kempton B. Jenkins,

Deputy Assistant Secretary for East-West Trade.

[FR Doc. 79-27392 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council was established by Secton 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), and the Council has established the Scientific and Statistical Committee which will meet to review and evaluate the documents produced by the Northeast Fishery Management Task Force and to discuss the Scientific and Statistical Committee's role in Council operations.

DATES: The meeting will convene on Wednesday, September 19, 1979, at approximately 9 a.m., and will adjourn on Thursday, September 20, 1979, at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Carriage House, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts, Telephone: (617) 535–5450.

Dated: August 28, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-27454 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Louis Scarpuzzi Enterprises, Inc.

b. Address: 339 Riverside Drive, Fort Myers, Florida 33905.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*), 3.

4. Type of Take: To capture and maintain permanently in a facility.

5. Location of Activity: West Coast of Florida.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before October 4, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: August 28, 1979.

R. B. Brumsted,

Acting Director, Office of Marine Mammals/ Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-27455 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265) will meet to discuss status update on the Snapper-Grouper Fishery Management Plan (FMP); progress report on Calico Scallop FMP; update on development of description of Swordfish FMP; tentative review of foreign fishing permits, if any, and discuss other management business.

DATES: The meeting will convene on Tuesday, September 25, 1979, at 1:30 p.m., and continue to approximately 5 p.m.; on Wednesday, September 26, 1979, reconvene at 8:30 a.m., and continue to approximately 5 p.m.; and on Thursday, September 27, 1979, reconvene at 8:30 a.m., and adjourn at approximately 12 noon. The meeting is open to the public.

ADDRESS: The meeting will take place at the Sea Palms, Frederica Road, St. Simons Island, Georgia.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: August 28, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-27453 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending Import Restraint Levels for Certain Cotton Textile Products from Pakistan; Correction

August 29, 1979.

On August 17, 1979, there was published in the **Federal Register** (44 FR 48314) a letter dated August 14, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint for certain specified categories of cotton textile products, including Category 369, produced or manufactured in Pakistan and exported to the United States during the twelve month period which began on January 1, 1979 and extends through December 31, 1979. The level of restraint designated for cotton textile products in Category 369 should have included the following qualifying footnote, as footnote 2:

[2] In Category 369, all T.S.U.S.A. numbers except 366.1855.

The letter published below corrects the directive of August 14, 1979 to the Commissioner of Customs.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

August 29, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, it would be appreciated if you would correct the level of restraint established for Category 369 in paragraph 1, page 2 of the directive of August 14, 1979, to include the following qualifying footnote, as footnote 2:

[2] In Category 369, all T.S.U.S.A. numbers except 366.1855.

This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-27366 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-25-M

Announcing Additional Import Controls on Certain Cotton Textile Products from Mexico

August 29, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling other cotton apparel in Category 359, such as coveralls and other items at the level of 543,478 pounds during the twelve-month period which began on January 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, between the Governments of the United States and Mexico, the United States Government has decided to control imports of cotton textile products in Category 359 produced or manufactured in Mexico and exported to the United States during the twelve-month period which began on January 1, 1979, in addition to those categories previously designated. (See 44 FR 20240).

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, international Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On April 4, 1979, there was published in the **Federal Register** (44 FR 20240) a letter dated March 29, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Mexico, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 359, produced or manufactured in Mexico and exported to the United States during the twelve-month period which began on January 1, 1979. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, effective on September 4, 1979, to prohibit entry for consumption or withdrawal from warehouse for consumption of cotton textile products in Category 359, produced or manufactured in Mexico and exported to the United States on and after January 1, 1979.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

August 29, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 29, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Mexico.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Agreement of February 26, 1979, between the Governments of the United States and Mexico; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 4, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 359, produced or manufactured in Mexico and exported on and after January 1, 1979, in excess of 543,478 pounds. [1]

Cotton textile products in Category 359 which have been exported to the United States prior to January 1, 1979 shall not be subject to this directive.

Cotton textile products in Category 359 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448 (b) or 1484 (a) (1) (A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-27365 Filed 8-31-79; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1978. Imports during the period, January thru June 1979, amounted to 233,665 pounds.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

National Waterways Study; Environmental Aspects; Open Meeting

The U.S. Army Corps of Engineers, Institute for Water Resources, will conduct a public meeting on the National Waterways Study (NWS). The meeting's purpose is to provide an overview of the NWS and obtain input from interested persons regarding environmental factors that may be considered during the course of the study.

The meeting will be from 9 a.m. to 12 a.m., September 19, 1979 in the Board of Engineers for Rivers and Harbors Hearing Room, Kingman Building (Telegraph and Leaf Roads) Fort Belvoir, Virginia 22060.

Written statements, to be made part of the minutes, may be submitted prior to, or up to 7 days following, the meeting.

Persons planning to attend or desiring further information should contact Ms. Arlene L. Dietz, Study Manager, Institute for Water Resources, Kingman Building, Fort Belvoir, Virginia 22020, telephone number (202) 325–7141.

By authority of the secretary of the army:

Dated: August 29, 1979.

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 79-27361 Filed 8-31-79; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94–163), notice is hereby provided of the following meetings:

I. A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on September 11, 1979, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. The agenda is as follows:

1. Openings remarks.
2. Base Period Final Consumption (BFPC)—seasonality—demand change, etc. effects on trigger.
3. Seasonality in reallocation of oil in an emergency.
4. IEA and European Economic Community (EEC) emergency sharing interface.
5. Lessons to be learned from present supply crisis.
6. Consumer stocks.
7. Questionnaires A and B:
A. Quality of data.
B. Need for ongoing submission.
C. Range of oil and oil products covered by Questionnaire A and B.
8. Preparation for the third allocation systems test (AST–3).
9. Emergency reserves—outstanding points for 1980 and role of Subcommittee B.
10. Standard format for voluntary offers.
11. Simplified sharing mechanism short of formal 7 percent trigger.

II. A meeting of Subcommittee C of the Industry Advisory Board to the International Energy Agency (IEA) will be held on September 12, 1979, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. The agenda is as follows:

1. Openings remarks.
2. Pricing in an emergency.
3. Extraordinary costs.
4. Dispute Settlement Center.
5. Legal Clearances:
A. Survey of IEA countries.
B. U.S. Voluntary Agreement.
C. EEC Commission and interface with IEA.
6. Future work program.

III. A meeting of the Industry Advisory Board to the International Energy Agency (IEA) will be held on September 13, 1979, at the offices of Texaco, Incorporated, 2000 Westchester Drive, White Plains, New York, beginning at 9:30 a.m. The agenda is as follows:

1. Openings remarks.
2. Communications to and from IEA and Reporting Companies.
3. Matters arising from record note of IAB meeting of June 25, 1979.
4. Report on Standing Group on Emergency Questions (SEQ) meeting of June 25, 1979 and joint meeting of SEQ and the Standing Group on the Oil Market (SOM) on June 26, 1979.
5. Report by IEA on worldwide supply outlook and current situation in IEA member countries.
6. Implications of Tokyo summit for IEA and IAB.
7. Report by IEA on refining flexibility study.
8. Subcommittee C Report.
A. Disputes Settlement Center.
B. Legal Clearances.
   1. Survey of IEA countries
   2. U.S. Voluntary Agreement extension and Plan of Action
   3. EEC Commission and interface with IEA.
9. Subcommittee A Report.
A. Base period final consumption—seasonality, demand change, etc., effects on trigger.
B. Review; of IEA study on seasonalization and proposed change to Emergency Management Manual (EMM).
C. Quality of Questionnaire A and B data and need for ongoing submission.
D. Consumer stock survey by IEA and future action.
E. Review of IEA study of lessons learned from current supply crisis, including summary of major issues and possible changes to the IEA emergency system.
F. Technical aspects of IEA and EEC interface.
G. Timing and work plan for third allocation systems test.
H. Automatic voluntary offer submission system.
I. Future work program.
10. Industry Supply Advisory Group (ISAG) Manager's Report.
A. ISAG staffing and assignments.
B. ISAG Secretariat Operations Manual (ISOM) status.
11. Future work program.
12. Dates, venues and plans of future meetings of the IAB, its subcommittees, SEQ and SEQ/SOM.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., August 24, 1979.

Robert C. Goodwin, Jr.,

Assistant General Counsel, International Trade & Emergency Preparedness.

[FR Doc. 79-27373 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of June 29, 1979 through July 6, 1979

Notice is hereby given that during the week of June 6, 1979 through July 6, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

August 27, 1979.

List of Cases Received by the Office of Hearings and Appeals

[Week of June 29, 1979 through July 6, 1979]

Date	Name and location of applicant	Case No.	Type of submission
June 29, 1979	Arizona Fuels Corporation, Salt Lake City, Utah	DEE-6984	Exception to the entitlements program. If Granted: Arizona Fuels Corporation would receive an exception to the provisions of 10 CFR 211.67 regarding its entitlements purchase obligations.
June 29, 1979	Champlin Petroleum Company, Fort Worth, Texas	DEX-0185	Supplemental Order. If granted: Champlin Petroleum Company would be permitted to impelement the relief found to be appropriate in a Decision and Order (Case Number FXA-1313) issued to the firm on December 8, 1978 permitting the sale of a portion of crude oil produced from the Wilmington Field, Long Beach, California at upper tier ceiling prices.
June 29, 1979	Consumers Union of United States, Inc., Washington, D.C.	DEX-0187	Supplemental Order. If granted: Consumers Union of United States, Inc. would receive reimbursement of expenses and reasonable attorneys' fees in connection with the proceedings of the Decision and Order issued on March 17, 1977 (Case Number FEX-0129).

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of June 29, 1979 through July 6, 1979]

Date	Name and location of applicant	Case No.	Type of submission
June 28, 1979	Port Petroleum Incorporated, Shreveport, Louisiana	DEE-6994; DEN-6994.	Applications for Temporary Exception and Exception to the Buy/Sell Program. If granted: Port Petroleum Incorporated would receive an exception from the provisions of 10 CFR 211.65 with respect to its obligations under the Buy/Sell Program.
June 29, 1979	Texaco Incorporated, Houston, Texas	DXE-6974	Request for extension of exception relief. If granted: Texaco Inc. would be permitted to continue to sell the crude oil produced at the V.F. Semlak "C" Lease located in Crook County, Wyoming, at upper tier ceiling prices.
July 2, 1979	Albert Grasso Chevron Service, Orange, California	DRW-0019	Interim Remedial Order for Immediate Compliance. If granted: An Interim Remedial Order for Immediate Compliance issued to Albert Grasso Chevron Service on March 23, 1979, would be issued as a Final Remedial Order for Immediate Compliance.
July 2, 1979	BP Oil, Inc., Cleveland, Ohio	DEA-0488	Appeal of ERA Regional Assignment Order. If granted: The Assignment Order issued March 31, 1979 by the Economic Regulatory Administration Region II regarding BP Oil, Inc.'s supply obligations to Petroleum Combustion International, Inc. would be modified.
July 2, 1979	Brock Exploration Corporation, New Orleans, Louisiana	DFA-0486	Appeal of Information Request Denial. If granted: The June 1, 1979 Information Request Denial issued by the DOE Office of FOI and Privacy Acts Activities would be rescinded and Brock Exploration Corporation would receive access to certain DOE documents.
July 2, 1979	Burk Royalty Co., Wichita Falls, Texas	DEE-7074	Exception from Energy Information Administration reporting requirements. If granted: Burk Royalty Co. would receive an extension for filing Form EIA-23, Part II "Annual Survey of Domestic Crude Oil and Gas Reserves."
July 2, 1979	The Coleman Company, Inc., Wichita, Kansas	DEE-6485	Exception to Energy Conservation Program for Consumer Appliances. If granted: The Coleman Company, Inc. would receive an exception to the provisions of 10 CFR 430, Appendix N permitting the firm to modify the energy efficiency test procedures applicable to the sealed combustion gas furnaces which it manufactures.
July 2, 1979	Demetriou, Del Guercio & Lovejoy, Los Angeles, California.	DFA-0485	Appeal of Information Request Denial. If granted: The April 2, 1979 Information Request Denial issued by the DOE Office of FOI and Privacy Acts Activities to Demetriou, Del Guercio & Lovejoy would be rescinded, and the firm would be granted access to certain DOE documents.
July 2, 1979	General Motors Corporation, Washington, D.C.	DEA-0490	Appeal of ERA Assignment Order. If granted: The June 1, 1979 synthetic natural gas feedstock Assignment Order issued to Northern Illinois Gas Company by the Economic Regulatory Administration would be rescinded.
July 2, 1979	H. R. Stasney & Sons Co., Albany, Texas	DEE-7075	Exception from Energy Information Administration reporting requirements. If granted: H. R. Stasney & Sons Co. would receive an extension for filing Form EIA-23, Part II "Annual Survey of Domestic Oil and Gas Reserves."
July 2, 1979	Marathon Oil Company, Findlay, Ohio	DEA-0492; DES-0492; DST-0492.	Appeal of ERA Assignment Orders, Request for Stay, and Request for Temporary Stay. If granted: The four Assignment Orders issued by Region IV of the Economic Regulatory Administration on May 18, 1979 which require Marathon Oil Company to supply branded jobbers of American Petrofina would be rescinded.
July 2, 1979	N. C. Gunther, Houston, Texas	DEE-6968	Exception from Energy Information Administration reporting requirements. If granted: N. C. Gunther would receive an extension for filing Form EIA-23, Part II "Annual Survey of Domestic Oil and Gas Reserves."
July 2, 1979	Petro-Lewis Corp., Denver, Colorado	DEE-7073	Extension to Energy Information Administration reporting requirements. If granted: Petro-Lewis Corporation would receive an extension for filing Form EIA-23, Part II "Annual Survey of Domestic Oil and Gas Reserves."
July 3, 1979	City and County of Honolulu, Honolulu, Hawaii	DEE-7067	Price Exception (Section 212.93). If granted: Jobbers in the City and County of Honolulu would be permitted to include local fuel tax increases in the distributor's selling price of liquid fuel.
July 3, 1979	Dunaway, McCarthy & Dye, P. C., Washington, D.C.	DFA-0487	Appeal of Information Request Denial. If granted: The May 16, 1979 Information Request Denial issued by the DOE Office of FOI and Privacy Acts Activities would be rescinded and Dunaway, McCarthy & Dye, P. C. would receive access to certain DOE documents.
July 3, 1979	F. L. Roberts & Company, Inc., Springfield, Massachusetts.	DEA-0491; DST-0491.	Appeal and Request for Temporary Stay. If granted: F. L. Roberts and Company, Inc. would be assigned a temporary supplier of eight retail stations pending determination of its Request for Assignment filed with Region I of the Economic Regulatory Administration.
July 3, 1979	Texaco, Inc., Los Angeles, California	DEX-0184	Supplemental Order. If granted: Texaco, Inc. would be permitted to include certain expenditures that it incurs in performing an emergency well workover as an operating expense in calculating the level of exception relief under the *Great Southern* standard.
July 5, 1979	Amoco Oil Company, Kansas City, Missouri	DED-2179	Motion for Discovery. If granted: Discovery would be granted to Amoco Oil Co. in regard to its Statement of Objections to the Proposed Decision and Order (Case Number DEE-2179) issued May 9, 1979 to American Agri-Fuels Corporation.
July 5, 1979	Derby Refining Company, Wichita, Kansas	DEN-0002; DES-0225; DST-0225.	Request for Interim Order, Request for Stay, and Request for Temporary Stay. If granted: Derby Refining Company would receive exception relief from the provisions of 10 CFR 212 to permit Derby Refining Company to recover its costs of blending gasohol in its sales of gasohol.
July 5, 1979	Fields Field Company, Houston, Texas	DEN-0003	Request for Interim Order. If granted: Interim exception relief would be granted to Fields Field Company permitting the firm to use shrinkage costs in calculating natural gas liquids prices pending a final determination on its Application for Exception (Case No. DEE-3706).
July 5, 1979	Husky Oil Company, Denver, Colorado	DEA-0489	Appeal of Assignment Order. If granted: The May 24, 1979, Assignment Order issued by Region VIII of the Economic Regulatory Administration with respect to Husky Oil Company's supply obligations to Waite Oil Company would be rescinded.
July 5, 1979	Kansas City Star, Kansas City, Missouri	DFA-0484	Appeal of Information Request Denial. If Granted: The Information Request Denial issued by DOE Region VII would be rescinded, and the Kansas City Star would be granted access to certain DOE documents.
July 5, 1979	Petrochemical Energy Group, Washington, D.C.	DEA-0520	Appeal of ERA Assignment Order. If granted: The June 1, 1979, synthetic natural gas feedstock Assignment Order issued by the Economic Regulatory Administration to Northern Illinois Gas Company would be rescinded.
July 5, 1979	St. Louis County Police Department, St. Louis, Missouri.	DEX-0183	Supplemental Order. If granted: A supplier would be named to provide motor gasoline in bulk volume to the St. Louis County Police Department to replace gasoline which the Departent had previously purchased on a retail basis.
July 5, 1979	Southern Colorado Agri-Fuel Company, Pueblo, Colorado.	DEE-7079	Allocation Exception. If granted: Southern Colorado Agri-Fuel Company would be assigned a supplier of unleaded gasoline for the purpose of blending gasohol.
July 5, 1979	Southwestern Refining Company, Inc., Washington, D.C.	DES-0224	Request for Stay. If granted: Southwestern Refining Company, Inc. would receive a Stay of the provisions of 10 CFR 211.67, with respect to its entitlements purchase obligation.
July 5, 1979	Texaco, Inc., Houston, Texas	DES-0223	Request for Stay. If granted: Texaco, Inc. would be granted a Stay of the Redirection Order issued by Region IV of the Economic Regulatory Administration on May 30, 1979 regarding Texaco's supply obligation to Hardy Brothers, Oil Company, Inc.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of June 29, 1979 through July 6, 1979]

Date	Name and location of applicant	Case No.	Type of submission
July 5, 1979	Tyson Oil Co., Savannah, Georgia	DEE-7082	Allocation Exception (Section 211.103). If granted: Tyson Oil Company would receive an exception permitting the firm to receive increased allocations of unleaded gasoline for the purpose of blending gasohol.
July 6, 1979	Citadel Corporation, Washington, D.C.	DRS-0258, DRS-0260; DRT-0258, DRT-0260.	Requests for Stay and Requests for Temporary Stay of Interim Remedial Orders. If granted: Citadel Corporation would receive a Stay and Temporary Stay of the three (3) Interim Remedial Orders for Immediate Compliance issued to Citadel Corporation by the Economic Regulatory Administration on June 29, 1979 regarding reduction of Citadel's motor gasoline prices.
July 6, 1979	Crown Central Petroleum Corporation, Baltimore Maryland.	DEA-0493	Appeal of ERA Temporary Assignment Order. If granted: The Temporary Assignment Order issued by Region II of the Economic Regulatory Administration on May 31, 1979 to Crown Central Petroleum Corporation regarding Crown's supply obligations to Petroleum Combustion International, Inc. would be modified.
July 6, 1979	Koch Industries, Inc., Dallas, Texas	DRT-0060	Request for Temporary Stay. If granted: Koch Industries, Inc. would receive a Temporary Stay of the Interim Remedial Order for Immediate Compliance issued on July 3, 1979, regarding the firm's supply obligation to Petroleum Company, Inc.
July 6, 1979	National Association of Texaco Wholesalers, Inc., Atlanta, Georgia.	DEN-0004	Request for Temporary Exception. If granted: The National Association of Texaco Wholesalers, Inc, would receive a temporary exception from the provisions of 10 CFR 211, permitting Texaco wholesalers the option of using adjusted 1972 volumes as a base period, pending a decision in an Application for Exception filed by the Association on June 7, 1979 (Case No. DEE-6543).
July 6, 1979	Sun Oil Company, Philadelphia, Pennsylvania	DST-0226; DES-0226.	Request for Stay and Request for Temporary Stay. If granted: The Sun Oil Company would receive a Stay and Temporary Stay of the Temporary Assisgnment Order issued by the Economic Regulatory Administration Region V on June 21, 1979 regarding Sun Oil Company supply obligations to Landmark, Inc.

Notices of Objection Received

Date	Name and location of applicant	Case No.
June 29, 1979	Edgington Oil Company, Washington, D.C.	DXE-3442
June 29, 1979	Southland Oil Co., Washington, D.C.	DXE-3449
July 3, 1979	Amati's Service Station, Monongahela, Pennsylvania	DED-0255
July 2, 1979	J. D. Street and Company, Washington, D.C.	DEE-3255
July 2, 1979	Lunday-Thagard Oil Co., Washington, D.C.	DXE-3717
July 2, 1979	Young Refining Corp., Houston, Texas	DXE-3445
July 3, 1979	Kern County Refinery, Inc., Jacksonville, Florida	DXE-3448
July 3, 1979	Propane Gas and Appliance Co., New Brockton, Alabama	DEE-1080
July 5, 1979	Ferguson Service, Ferguson, Missouri	DEE-2511
July 5, 1979	Mohawk Petroleum Corp., Inc., Los Angeles, California	DEE-2105
July 5, 1979	Tosco Corp., Washington, D.C.	DEX-0054

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of June 29 through July 7, 1979

If granted: The following firms would receive an exception from the activation of the Standby Petroleum Product Allocation Regulations with respect to motor gasoline.

Antietam Exxon	DEE-7013	06/29/79	Maryland
Bobby's Ashley Plaza Amoco	DEE-6981	06/29/79	South Carolina
Camacho Aerial Service	DEE-6982	06/29/79	California
Community Fuel	DEE-6979	06/29/79	New York
Fred's Service Center	DEE-6975	06/29/79	Maryland
Huss, John	DEE-6978	06/29/79	North Carolina
Jerry Menefee Shell Station	DEE-6977	06/29/79	Texas
Kingston Hill Store	DEE-7015	06/29/79	Rhode Island
Russ's Mobil	DEE-6971	06/29/79	California
San Fernando Valley Academy	DEE-6960	06/29/79	California
Summer Ave. 66 Service	DEE-6976	06/29/79	Tennessee
Texaco Service Station	DEE-6973	06/29/79	Texas
U.S. Post Office (Alvin, Tx.)	DEE-6983	06/29/79	Texas
Webster, John	DEE-7036	06/29/79	Mississippi
A. Abart Enterprises Inc.	DEE-6991	07/02/79	Virginia
Ashmont Hill Service Station	DEE-7023	07/02/79	Massachusetts
Atherton, Libby F.	DEE-6995	07/02/79	Michigan
Bartkus Oil Co.	DEE-7120	07/02/79	Colorado
Batson Grocery & Hardware	DEE-7002	07/02/79	Texas
Bergeron Gulf Station & Resturant	DEE-7007	07/02/79	Texas
Besto Gulf	DEE-6998	07/02/79	Texas
Bridge Street Gulf Station	DEE-7022	07/02/79	Maine
Budget Rent-A-Car	DEE-7033	07/02/79	Colorado
Budget Rent-A-Car of Louisville	DEE-6992	07/02/79	Kentucky
Buelow's Conoco Station	DEE-7031	07/02/79	Texas
Channell's Gulf Service	DEE-7012	07/02/79	Georgia
County Line Grocery	DEE-7001	07/02/79	Texas
Crossroads Shell	DEE-7006	07/02/79	Virginia
Cubs Park Serv. Station & U-Haul	DEE-7016	07/02/79	Illinois
Dale Gpaybell Texaco	DEE-7029	07/02/79	Connecticut
Dave Hawley Distributors, Inc.	DEE-7008	07/02/79	Michigan
Duane's Chevron	DEE-7011	07/02/79	Mississippi
Duncan Thompson Petroleum, Inc.	DEE-7208	07/02/79	Texas
Faircloth, F. W.	DEE-6999	07/02/79	Texas
Farm Fresh Mini Market	DEE-6996	07/02/79	Pennsylvania
Feeley, Neil R.	DEE-7021	07/02/79	Massachusetts

G. & K. General Store	DEE-7000	07/02/79	Texas
Gary Keating's Village Texaco	DEE-7024	07/02/79	Missouri
Gene's Amoco	DEE-6972	07/02/79	Virginia
Glenn & Alan Grimm Farms	DEE-6988	07/02/79	Indiana
Hill's Service Station	DEE-7167	07/02/79	Kentucky
Huth, Robert	DEE-7042	07/02/79	California
Jerry Lantzy Standard	DEE-7040	07/02/79	Michigan
Jerry's Exxon & Car Wash	DEE-6967	07/02/79	California
Jerry's Gulf	DEE-7030	07/02/79	New York
Juliano, Anthony	DEE-7034	07/02/79	Connecticut
Kinney's Gulf Service	DEE-7020	07/02/79	Massachusetts
Lamburn, Robert F	DEE-7018	07/02/79	Massachusetts
Marlboro Sunoco	DEE-7035	07/02/79	Maryland
Marshfield Auto Body	DEE-7019	07/02/79	Massachusetts
Mathews Oil Co	DEE-7026	07/02/79	Louisiana
Murray Petroleum Inc	DEE-6993	07/02/79	California
Natal's Air Conditioning, Inc	DEE-7004	07/02/79	Louisiana
Northville Industries Corp	DEE-7009	07/02/79	New York
Reynolds Electrical & Engineering	DEE-6989	07/02/79	Nevada
Sage Creek Refining Company	DEE-7025	07/02/79	Wyoming
Sav'n Sam's Fernley Exxon	DEE-7032	07/02/79	Nevada
St. Joseph Motor Lines	DEE-7005	07/02/79	Georgia
Tisue's General Store	DEE-7028	07/02/79	Iowa
Tonopah Test Range	DEE-6990	07/02/79	Nevada
Town of Bristol, RI	DEE-7041	07/02/79	Rhode Island
V. & P. Truck Rental Service	DEE-7027	07/02/79	Massachusetts
Vic's Texaco	DEE-7014	07/02/79	Maryland
White's Service Station	DEE-6997	07/02/79	Texas
Winver's Lug-A-Jug	DEE-7010	07/03/79	Texas
Akron/Canton	DEE-7052	07/03/79	Ohio
All South Rentals Inc	DEE-7064	07/03/79	Louisiana
Brian's Auto Service	DEE-7049	07/03/79	Massachusetts
Carlson's Sunoco	DEE-7066	07/03/79	Virginia
Cascade Car Wash	DEE-7053	07/03/79	Colorado
Chas. F. Manahan & Son, Inc	DEE-7057	07/03/79	Maryland
Dick's Hilltop Arco	DEE-7069	07/03/79	Washington
Dunastors Enterprises of Manha	DEE-7047	07/03/79	New York
Farm Fuel Products Corp	DEE-7059	07/03/79	Iowa
Jim's Water Service, Inc	DEE-7062	07/03/79	Wyoming
Kenny's Pioneer Trading Post	DEE-7046	07/03/79	Tennessee
Ledford's Amoco	DEE-7043	07/03/79	North Carolina
Mount Pleasant Arco	DEE-7070	07/03/79	Rhode Island
Ogden Food Service Corp	DEE-7056	07/03/79	Maryland
Owens Exxon	DEE-7377	07/03/79	Virginia
Pacific Galvanizing	DEE-7055	07/03/79	California
Ray May's Arco Service	DEE-7068	07/03/79	Nevada
Savory Corporation	DEE-7050	07/03/79	California
Schuylep County Office of Civi	DEE-7061	07/03/79	New York
Soon Exxon Service	DEE-7048	07/03/79	Colorado
Strong's Texaco & Wrecker Service	DEE-7071	07/03/79	Louisiana
Vantage Petroleum Corp	DEE-7132	07/03/79	New York
Walt's Sunoco Service	DEE-7065	07/03/79	New Jersey
Waterlick Mini-Mart	DEE-7044	07/03/79	Virginia
Waterlick Texaco	DEE-7045	07/03/79	Virginia
4 Wheel Brake	DEE-7051	07/03/79	California
Alamo Expressway Service Stat	DXE-7135	07/05/79	Texas
Ball Oil Company	DEE-7102	07/05/79	Oklahoma
Bob's Standard Service	DEE-7136	07/05/79	Minnesota
Boeing Company	DEE-7076	07/05/79	Washington
Breeland, Jabus W	DEE-7077	07/05/79	Louisiana
Brooklyn Amoco Gas & Co	DEE-7054	07/05/79	Maryland
D & S Sheet Metal Works Inc	DEE-7100	07/05/79	Louisiana
Horr, Vernon H	DEE-7058	07/05/79	Missouri
Husdy Travel Center	DEE-7084	07/05/79	Montana
Kermeen, Don H	DEE-7063	07/05/79	Minnesota
L. W. Green Co	DEE-7081	07/05/79	Kansas
Larry Mills Exxon	DEE-7105	07/05/79	California
Lima Texaco	DEE-7160	07/05/79	Pennsylvania
McDowell Oil Co	DEE-7080	07/05/79	North Carolina
Mr. Grocer Corporation	DEE-7130	07/05/79	Florida
Ralph's Service Station	DEE-7103	07/05/79	Pennsylvania
Schapeler Oil Co	DEE-7086	07/05/79	Missouri
Selbyville Arco Service Station	DEE-7211	07/05/79	Delaware
Shaffer's Sunoco Service	DEE-7078	07/05/79	Pennssylvania
Shoreline Texaco	DEE-7037	07/05/79	California
Siler Oil Company	DEE-7085	07/05/79	Indiana
Staggers oil Co	DEE-7104	07/05/79	Texas
Stone's Store	DEE-7083	07/05/79	North Carolina
Swindle Bros. Oil Co	DEE-7060	07/05/79	Arkansas
Thigpen, J. A	DEE-7101	07/05/79	Mississippi
American Packaging Corporation	DEE-7279	07/06/79	New Jersey
Archer Oil Company	DEE-7386	07/06/79	Texas
B & B Gasland	DEE-7115	07/06/79	Rhode Island
Barnacle II	DEE-7112	07/06/79	Maine
Branford Repair & Service	DEE-7097	07/06/79	Connecticut
Buddy's Mascot	DEE-7129	07/06/79	West Virginia
Clarksburg Grocery	DEE-7119	07/06/79	Maryland

Coleman Oil Co., Inc	DEE-7089	07/06/79	New Hamphire
D J Trucking Co., Inc	DEE-7123	07/06/79	Texas
Ernie's Texaco/E. Booth	DEE-7090	07/06/79	Massachusetts
Fluor Corporation	DEE-7117	07/06/79	California
Frank Decarlo Auto Service	DEE-7098	07/06/79	Massachusetts
Frank's Auto Service	DEE-7093	07/06/79	Massachusetts
Garrett Freight Lines, Inc	DEE-7387	07/06/79	Idaho
Gary's Auto Service	DEE-7087	07/06/79	Massachusetts
Goodhall's West	DEE-7121	07/06/79	Massachusetts
Henry's Citgo	DEE-7099	07/06/79	Massachusetts
Hull Grocery, Inc	DEE-7127	07/06/79	Georgia
In and Out Car Wash	DEE-7126	07/06/79	South Carolina
Johnston's Gulf Service, Inc	DEE-7125	07/06/79	Michigan
Jones Oil Co., Inc	DEE-7133	07/06/79	Nebraska
Kay's Korner	DEE-7134	07/06/79	Kansas
Macek—Silvia	DEE-7091	07/06/79	Massachusetts
Nargiso, Lou	DEE-7095	07/06/79	Connecticut
Northtown Skelly	DEE-7388	07/06/79	Missouri
O. O. Corsaut, Inc	DEE-7128	07/06/79	Michigan
Paul's Quik Pik No. 2	DEE-7110	07/06/79	Maine
Pete & Frank's 66 Service, Inc	DEE-7124	07/06/79	Florida
Pete's Sunoco	DEE-7094	07/06/79	New Hampshire
Quintana, Nick	DEE-7122	07/06/79	Florida
Regan's Service, Inc	DEE-7111	07/06/79	Massachusetts
Round's Service Station	DEE-7096	07/06/79	Rhode Island
Shahbazin, Eliea	DEE-7092	07/06/79	Massachusetts
Smitty's Amoco	DEE-7109	07/06/79	Connecticut
Standard Tractor Sales Co	DEE-7108	07/06/79	California
Stinson Tire Co	DEE-7138	07/06/79	Virginia
Texaco, Inc	DEE-7113	07/06/79	Massachusetts
Town Line Service	DEE-7116	07/06/79	Massachusetts
Ventura, Thomas F	DEE-7088	07/06/79	Massachusetts
Whelchel, Robert L	DEE-7106	07/06/79	Louisiana
Wickford Auto Station, Inc	DEE-7114	07/06/79	Rhode Island

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[FR Doc. 79-27370 Filed 8-31-79; 8:45 am]
BILLING CODE 6450-01-M

Cases Filed Week of June 15, 1979 Through June 22, 1979

Notice is hereby given that during the week of June 15, 1979 through June 22, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 29461.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
August 27, 1979.

Date	Name and location of applicant	Case No.	Type of submission
June 15, 1979	Heller, Glenn Martin, Boston, Massachusetts	DRX-0180	Supplemental Order. If granted: Discovery would be granted to Glenn Martin Heller in connection with his Statement of Objections to a Proposed Remedial Order (Case Nos. DRO-0184 and DRD-0184).
June 15, 1979	Highlander Center, Rocky Mount, Virginia	DEE-6560	Change of Supplier Exception. If granted: Highlander Center would be granted a new supplier of motor gasoline to replace its present supplier, Webb's Oil Corporation.
June 15, 1979	Lunday-Thagard Oil Company, Washington, D. C.	DFA-0458	Appeal of Information Request Denial. If granted: The DOE's May 31, 1979 Information Request Denial would be rescinded and Lunday-Thagard Oil Company would receive access to certain DOE data.
June 18, 1979	Amoco Oil Company, Chicago, Illinois	DES-0218	Request for Stay. If granted: Amoco Oil Company would receive a Stay of an ERA Region V Order requiring it to supply U.S. Oil Company with motor gasoline.
June 18, 1979	Amoco Oil Company, Chicago, Illinois	DEA-0462	Appeal of Emergency Allocation Under Crude Oil Buy/Sell Program. If granted: ERA's Decision and Order regarding Amoco Oil Company's crude oil supply obligations to CRA, Inc.'s Coffeyville, Kansas refinery would be modified.
June 18, 1979	Quad Refining Corporation, Los Angeles, California.	DEA-0461	Appeal of ERA Decision and Order. If granted: The ERA's May 17, 1979 Decision and Order would be rescinded and Quad Refining Corporation would be permitted to participate in the Crude Oil Buy/Sell Program.
June 18, 1979	Shell Company (Puerto Rico), Washington, D. C.	DEH-2245 and DED-2245.	Motion for Discovery; Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened and discovery would be granted in connection with the Statement of Objections submitted by Shell Company (Puerto Rico) to a Proposed Decision and Order (Case No. DEE-2245) issued to Commonwealth Oil Refining Company.
June 18, 1979	Total Petroleum, Inc., Alma, Michigan	DEA-0457 and DST-0457.	Appeal of Temporary Assignment Order; Request for Temporary Stay. If granted: ERA's June 6, 1979 Temporary Assignment Order regarding Total Petroleum, Inc.'s motor gasoline supply obligations to U. S. Oil Company would be modified.
June 18, 1979	Wall, Earl E., New Orleans, Louisiana	DRH-0188	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with Earl E. Wall's Statement of Objections to a Proposed Remedial Order (Case No. 640C00295) issued to Wall on March 19, 1979.
June 19, 1979	Amerada Hess Corporation, New York, New York	DEA-0463, DES-0463 and DST-0463.	Appeal of Temporary Assignment Order, Request for Stay, Request for Temporary Stay. If granted: The ERA's May 31, 1979 Temporary Assignment Order regarding Amerada Hess Corporation's motor gasoline supply obligations to Petroleum Combustion International, Inc. would be rescinded. Amerada Hess Corporation would receive a temporary stay and stay of the Order pending a determination on the Appeal.
June 19, 1979	Ashland Oil Company, Ashland, Kentucky	DRA-0465 and DRS-0465.	Appeal of Ancillary Order, Request for Stay. If granted: The Ancillary Order which the ERA issued to Ashland Oil Company on May 31, 1979, in connection with a Consent Order signed by Meason Operating Company, would be rescinded. The Ancillary Order would be stayed pending a determination on the Appeal.
June 19, 1979	O'Connor & Hannan, Washington, D.C.	DFA-0464	Appeal of Information Request Denial. If granted: The DOE's June 7, 1979 Information Request Denial would be rescinded and O'Connor and Hannan would be granted access to certain DOE data.

Date	Name and location of applicant	Case No.	Type of submission
June 19, 1979	Uni Refining, Inc., Houston, Texas	DEE-6684 and DES-6684.	Request for Stay; Exception to Buy/Sell Program. If granted: Uni Refining, Inc. would receive exception relief from the provisions of the Crude Oil Buy/Sell Program. Uni Refining, Inc. would receive a stay pending a final determination on its Application for Exception.
June 20, 1979	Marathon Oil Company, Findlay, Ohio	DMR-0057	Request for Rescission. If granted: The Decision and Order (Case No. DES-3174) issued to U.S. Oil Company would be rescinded.
June 20, 1979	MacMillan Ring-Free Oil Company, Inc., New York, New York.	DRS-0221	Request for Stay. If granted: MacMillan Ring-Free Oil Company, Inc. would be granted a stay of the Remedial Order (Case No. RTN F00401) which the ERA issued to Tenneco Oil Company on May 24, 1979.
June 20, 1979	Murphy Oil Corporation, El Dorado, Arkansas	DMR-0058	Request for Rescission. If granted: The Decision and Order (Case No. DES-3174) issued to U.S. Oil Company would be rescinded.
June 20, 1979	National Distillers and Chemical Corporation, Washington, D.C.	DFA-0467	Appeal of Information Request Denial. If granted: The DOE's May 10, 1979 Information Request Denial would be rescinded and National Distillers and Chemical Corporation would receive access to certain DOE documents.
June 20, 1979	Vinson & Elkins, Washington, D.C.	DFA-0468	Appeal of Information Request Denial. If granted: The DOE's May 18, 1979 Information Request Denial would be rescinded and Vinson & Elkins would receive access to certain DOE data.
June 21, 1979	American Natural Gas Production Company, Washington, D.C.	DEE-6730	Price Exception. If granted: American Natural Gas Production Company would be permitted to purchase and resell propane and butane in accordance with Subpart F rather than Subpart K of the DOE Mandatory Petroleum Price Regulations.
June 21, 1979	Cooper, Hal D., Cleveland, Ohio	DFA-0470	Appeal of Information Request Denial. If granted: The DOE's information Request Denial dated June 13, 1979 would be rescinded and Hal D. Cooper would receive access to certain DOE documents.
June 21, 1979	Great Southern Oil and Gas Co., Inc. Saint Martin Parish, La.	DXE-6729	Extension of Relief granted in *Great Southern Oil and Gas Company, Inc.*, 3 DOE par. —— (April 23, 1979. If granted: Great Southern Oil and Gas Company, Inc. would continue to receive price exception relief for crude oil produced from its St. Martin Bank and Trust Company No. 1 Well located in St. Martin Parish, Louisiana.
June 21, 1979	Marathon Oil Company, Murphy Oil Corporation, Washington, D.C.	DEA-0478, DEA-0479, DES-0478, DES-0479, DST-0478 and DST-0479.	Request for Stay; Request for Temporary Stay; Appeal of ERA's Temporary Assignment Order. If granted: The ERA's June 6, 1979 Temporary Assignment Order regarding Marathon Oil Company's and Murphy Oil Corporation's supply obligations to U.S. Oil Company would be rescinded. Marathon Oil Company and Murphy Oil Corporation would receive a temporary stay and stay of the Temporary Assignment Order pending a final determination of the Appeals.
June 21, 1979	Marathon Oil Company (Lawrence & Sons Oil Co., et al.), Atlanta, Georgia.	DES-0474 thru 0477 DEA-0474 thru 0477 DST-0474 thru 0477.	Request for Stay; Request for Temporary Stay; Appeal of ERA Assignment Orders. If granted: Four ERA Assignment Orders which were issued on May 18, 1979 and which pertain to Marathon Oil Company's supply obligations to Lawrence & Sons Oil Co., Roberts Oil Co., Tri-Country Oil Co. and Teague Oil Co. would be modified. Marathon Oil Company would receive a temporary stay and stay of the four Assignment Orders pending a determination on its Appeal.
June 21, 1979	Robert E. Brain and Cooper and Brain, Inc., Washington, D.C.	DSG-0056	Petition for Special Redress. If granted: Robert E. Brain and Cooper and Brain would be reimbursed for fees charged by the DOE in connection with a Freedom of Information request submitted by Brain and Cooper & Brain.
June 21, 1979	Texaco, Inc., Moffat County, Colorado	DXE-6727 and DXE-6728.	Request for Extension of Relief Granted in *Texaco, Inc.*, 3 DOE Par. —— (February 22, 1979). If granted: Texaco, Inc. would be permitted to continue to sell the crude oil produced from the Wyoming "G" Lease located in Johnson County, Wyoming and the J. Sweeney Lease located in Moffat County, Wyoming at upper tier ceiling prices.
June 22, 1979	Chevron U.S.A., Inc., Santa Barbara County, California.	DEN-1953	Request for Interim Order. If granted: Chevron U.S.A., Inc. (Case No. DEE-1953) would be granted price exception relief on an interim basis for crude oil produced from the Tognazzini Lease located in Santa Barbara County, California.

Notices of Objection Received

Date	Name and location of applicant	Case No.
June 18, 1979	Publix Oil Company, Morristown, Tennessee	DEE-5462
June 19, 1979	Rozema's Standard, Hudsonville, Michigan	DEE-3733
June 20, 1979	H. L. Mills Petroleum Products, Hagerstown, Maryland	DEE-2997
June 21, 1979	Chevron U.S.A., Inc., San Francisco, California	DEE-1953

List of Cases involving the Standby Petroleum Product Allocation Regulations for motor gasoline

Week of June 15 through June 22, 1979

If granted: The following firms would recieve an exception from the activation of the Standby Petroleum Product Allocation Regulations with respect to motor gasoline.

Abraham, Robert S	DEE-6574	06/15/79	Texas
Applewood Exxon Service	DEE-6567	06/15/79	Colorado
Brown Ferris, Inc	DEE-6571	06/15/79	Louisiana
Brusly Exxon	DEE-6561	06/15/79	Louisiana
Chalmette Shell	DEE-6568	06/15/79	Louisiana
County of Louisa	DEE-6558	06/15/79	Virginia
Digi-Data Corporation	DEE-6562	06/15/79	Maryland
Fontana Car Wash	DEE-6564	06/15/79	California

Lester's "66"	DEE-6573	06/15/79	Oklahoma
Martinez Exxon Service	DEE-6563	06/15/79	Florida
Perris Vallet Service	DEE-6565	06/15/79	California
Rockside & 21 Shell	DEE-6559	06/15/79	Ohio
Stephan Oil Co	DEE-6546	06/15/79	Kansas
Stuckey's, Inc	DEE-6570	06/15/79	District of Columbia
Surry Lane Service Station	DEE-6566	06/15/79	New York
A & A Mini Mart	DEE-6600	06/18/79	New York
Arceneaux's I–G	DEE-6604	06/18/79	Louisiana
Atkins Gulf Service	DEE-6590	06/18/79	Kentucky
Bob & Al Service Center Inc	DEE-6623	06/18/79	Florida
Bob Linke, Inc	DEE-6595	06/18/79	Pennsylvania
Bob Webb's Arco Service Station	DEE-6686	06/18/79	California
Camino Car Wash	DEE-6592	06/18/79	California
City of Dallas, Texas	DEE-6588	06/18/79	Texas
Coronado Heights Mobil	DEE-6615	06/18/79	Oklahoma
Denton, Norman Glenn	DEE-6591	06/18/79	Texas
Don's Gulf Service Station	DEE-6599	06/18/79	Texas
Duncan Oil Company	DXE-6624	06/18/79	Ohio
Farmer	DEE-6620	06/18/79	Texas
Farris Pasadena Freeway Shell	DEE-6577	06/18/79	Texas
Flood, June	DEE-6606	06/18/79	Illinois
Giardina Shell Service Station	DEE-6602	06/18/79	Louisiana
Gordon's Chevron	DEE-6598	06/18/79	California
Green Acres Texaco	DEE-6618	06/18/79	Louisiana
James Cotton & Grain, Inc	DEE-6582	06/18/79	Arkansas
Jerry English Mobil	DEE-6583	06/18/79	Texas
Johnson Oil Company of Gaylord	DXE-6580	06/18/79	Michigan
Johnson, Rory	DEE-6607	06/18/79	Tennessee
Jones Exxon Service Station	DEE-6619	06/18/79	Texas
Lavaughn's Mobil	DEE-6584	06/18/79	California
Les Gordon Texaco	DEE-6586	06/18/79	Maryland
Lone Star Way Station	DEE-6608	06/18/79	Louisiana
Mannford Dx	DEE-6593	06/18/79	Oklahoma
Max's Vernon Truck Center	DEE-6621	06/18/79	California
Meem, J. L	DEE-6589	06/18/79	Virginia
Murry, R. W	DEE-6594	06/18/79	Arkansas
National Car Rental System	DEE-6576	06/18/79	Hawaii
Navy Exchange Service Station	DEE-6578	06/18/79	Pennsylvania
Neal, Warren	DEE-6572	06/18/79	Kentucky
Patterson Oil Co., Inc	DEE-6581	06/18/79	Missouri
Pete's Exxon Service	DEE-6601	06/18/79	Colorado
Pinebrook Exxon	DEE-6587	06/18/79	North Carolina
Polaris Plating, Inc	DEE-6622	06/18/79	New Jersey
Powell, Roy W	DEE-6603	06/18/79	Virginia
Ragusa, Pete	DEE-6616	06/18/79	Texas
Ray Welch Texaco	DEE-6802	06/18/79	Virginia
Riggs, Carl	DEE-6579	06/18/79	Ohio
Rolling Road Mobil	DEE-6609	06/18/79	Virginia
Russell's Gulf Service	DEE-6614	06/18/79	Mississippi
Sam's Exxon	DEE-6596	06/18/79	California
Vantage Petroleum Corp	DEE-6605	06/18/79	New York
Wolf's Wool & Mohair	DEE-6597	06/18/79	Texas
Ace Pest Control	DEE-6629	06/19/79	California
Beach Gulf Service	DEE-6638	06/19/79	Florida
Bi-Rite Petroleum, Ltd	DEE-6675	06/19/79	Missouri
Bill Chun Texaco	DEE-6643	06/19/79	California
Boardwalk Regency (Texaco)	DEE-6673	06/19/79	New Jersey
Body Beautiful Car Wash	DEE-6650	06/19/79	California
Bruton Petroleum Co., Inc	DEE-6661	06/19/79	Colorado
Budget Rent-A-Car of Oakland	DEE-6666	06/19/79	California
Builders Floor Service Inc	DEE-6632	06/19/79	Virginia
Carriage Square Mobil Service	DEE-6647	06/19/79	California
Cedar Bluff Gulf	DEE-6634	06/19/79	Virginia
Charles Hasting Oil Co., Inc	DEE-6868	06/19/79	Tennessee
City of Prescott	DEE-6633	06/19/79	Arizona
Colorado County Oil Co., Inc	DEE-6656	06/19/79	Texas
Columbia Warehouse Associates	DEE-6671	06/19/79	South Carolina
Cooper Ltd	DEE-6672	06/19/79	Connecticut
Crenshaw Oil Co	DEE-6635	06/19/79	South Carolina
D & D Service	DEE-6667	06/19/79	Maryland
Deshong & Flick, Inc	DEE-6648	06/19/79	Pennsylvania
Don's Dodge Street Car Wash	DEE-6642	06/19/79	Nebraska
Ed's Service Center, Inc	DEE-6665	06/19/79	Wisconsin
F. Catlett Retail Outlet & Mini-M	DEE-6641	06/19/79	Oklahoma
Fawcett's Corner	DEE-6679	06/19/79	Montana
Femenias Shell	DEE-6662	06/19/79	Florida
Herb Alper's Clean-A-Car	DEE-6677	06/19/79	Maryland
Homestead Plaza Exxon	DEE-6654	06/19/79	Florida
J. A. L. Oil Co., Inc. et. al	DEE-6680	06/19/79	New York
Jacobsen Texaco Service Center	DEE-6676	06/19/79	Texas
Ken's Mobil	DEE-6636	06/19/79	California

Laveen Country Store	DEE-6660	06/19/79	Arizona
Lemoine, I. B	DEE-6663	06/19/79	Louisiana
Lucas Auto Sales	DEE-6644	06/19/79	Ohio
Mac's Service Station	DEE-6626	06/19/79	Kentucky
Manglitz Automotive	DEE-6645	06/19/79	Maryland
Mandr 66	DEE-6664	06/19/79	Maryland
McCracken Texaco	DEE-6637	06/19/79	Florida
Metz Gulf Service	DEE-6646	06/19/79	Arkansas
Mt. Ice Water Co	DEE-6627	06/19/79	California
Naquin's Super Conoco	DEE-6640	06/19/79	Louisiana
Norco Delivery Service	DEE-6628	06/19/79	California
O. K. Petroleum Products Corp	DEE-6685	06/19/79	New York
Palds Verdes Standard	DEE-6653	06/19/79	Colorado
Plunkett's Exxon Servicenter	DEE-6652	06/19/79	Pennsylvania
Ratcliffe Stadium Shell	DEE-6639	06/19/79	California
Regency Car Wash	DEE-6674	06/19/79	Texas
Rhodes Oil Co	DEE-6649	06/19/79	Arkansas
Ridgewood Shell	DEE-6670	06/19/79	Texas
Smith's Exxon Servicenter	DEE-6655	06/19/79	Tennessee
St. Louis County Police Dept	DEE-6617	06/19/79	Missouri
The W. Gordon Smith Co	DEE-6658	06/19/79	Minnesota
V & V Auto Service Center	DEE-6651	06/19/79	New York
Web Service Company, Inc	DEE-6631	06/19/79	California
West Point Exxon	DEE-6669	06/19/79	California
Williams Grocery	DEE-6630	06/19/79	Mississippi
Asamera Oil (U.S.) Inc	DEE-6714	06/20/79	Colorado
Bill's Automotive	DEE-6710	06/20/79	California
Bonner's Arco Mini Mart	DEE-6700	06/20/79	Pennsylvania
Brown & Marlar Auto Serv Mobil	DEE-6707	06/20/79	California
Canepa's Car Wash	DEE-6694	06/20/79	California
Castle Hills Texaco	DEE-6699	06/20/79	Texas
Chaney's Service Station	DEE-6708	06/20/79	Virginia
D & M Exxon	DEE-6703	06/20/79	Florida
Deloach's Texaco	DEE-6695	06/20/79	Texas
Ed Wade's Texaco	DEE-6704	06/20/79	Pennsylvania
Fasco, Inc	DXE-6697	06/20/79	Pennsylvania
Gandc Gulf, Inc	DEE-6690	06/20/79	Maryland
Holloway's Texaco Servicenter	DEE-6702	06/20/79	New Jersey
Karim Safiris Arco	DEE-6709	06/20/79	California
Laytonsville 66 Inc	DEE-6711	06/20/79	Maryland
Maryland Messenger Service	DEE-6693	06/20/79	Maryland
McCart Gulf Tire Store	DEE-6712	06/20/79	Texas
Ozymy Texaco	DEE-6696	06/20/79	Texas
Pat's Amoco	DEE-6698	06/20/79	Pennsylvania
Payless Car Rental System	DEE-6691	06/20/79	Washington
R. P. & J. L. Overstreet	DEE-6701	06/20/79	Virginia
Stanco Auto Repair Inc	DEE-6706	06/20/79	New York
Summit Texaco	DEE-6705	06/20/79	New Jersey
"F" Street Mobil	DEE-6668	06/21/79	Pennsylvania
Advance Petroleum Distributing	DEE-6726	06/21/79	Texas
Ally's Sunoco	DEE-6717	06/21/79	Maryland
Ally's Texaco	DEE-6716	06/21/79	Maryland
Arie's Arco	DEE-6804	06/21/79	Pennsylvania
Auth Road Texaco	DEE-6725	06/21/79	Maryland
Barone, Anthony R	DEE-6721	06/21/79	Pennsylvania
Drake Shell Service	DEE-6689	06/21/79	Florida
East High Sixty Six	DEE-6803	06/21/79	Colorado
Manny's Standard Service	DEE-6720	06/21/79	Wisconsin
Milne Bros. Automobile Center	DEE-6719	06/21/79	California
Pic-Em & Pac-Em	DEE-6723	06/21/79	Louisiana
Sharon Motors	DEE-6724	06/21/79	New York
Somerset District	DEE-6715	06/21/79	California
Steve's Service Center	DEE-6801	06/21/79	New Jersey
Super Truck Rental Corp	DEE-6800	06/21/79	New York
Ulysses J. Papini Arco	DEE-6722	06/21/79	California
Ward Oil Co	DEE-6345	06/22/79	New Jersey
Amaral, Richard	DEE-6744	06/22/79	Massachusetts
Avery's Service Station	DEE-6815	06/22/79	Pennsylvania
Beabout's Sunoco	DEE-6807	06/22/79	Pennsylvania
Bellafiore, Frank S	DEE-6756	06/22/79	Massachusetts
Berry's Garage	DEE-6819	06/22/79	Massachusetts
Blue Springs R-Iv School Dist	DEE-7039	06/22/79	Missouri
Bobby Taylor Oil Co., Inc. #2	DEE-6742	06/22/79	North Carolina
Brooks, Inc	DEE-6784	06/22/79	Massachusetts
Buddy W. Runnels Exxon Station	DEE-6811	06/22/79	Texas
C. N. Brown Co. (Laconia)	DEE-6779	06/22/79	Maine
C. N. Brown Co. (Tilton)	DEE-6778	06/22/79	New Hampshire
Carl Sunoco	DEE-6780	06/22/79	Massachusetts
Caron's Gulf	DEE-6774	06/22/79	New Hampshire
Chris #2	DEE-6827	06/22/79	Massachusetts

Colonial Oil Company	DEE-6865	06/22/79	Virginia
D. & H. Car Wash Inc	DEE-6763	06/22/79	Rhode Island
Dave's Alignment Service	DEE-6768	06/22/79	Massachusetts
Davis & Tripp, Inc	DEE-6825	06/22/79	Massachusetts
Dennisport Car Care, Inc	DEE-6824	06/22/79	Massachusetts
Dick's Exxon	DEE-6769	06/22/79	Maine
Don's Gulf Service, Inc	DEE-6775	06/22/79	Massachusetts
Doug's Exxon	DEE-6764	06/22/79	Massachusetts
EA-ZEE Shop	DEE-6743	06/22/79	Kansas
Edison, Con	DEE-6311	06/22/79	New York
Elson & Winland Sunoco	DEE-6805	06/22/79	Ohio
Empire Oil Co., Inc	DEE-6750	06/22/79	Massachusetts
Ernst, Richard H. & Eunice	DEE-6735	06/22/79	California
Expressway Arco	DEE-6826	06/22/79	Massachusetts
Fleuette's Automotive	DEE-6823	06/22/79	Massachusetts
Fred's Exxon	DEE-6752	06/22/79	Massachusetts
Freeman, Keith	DEE-6812	06/22/79	North Carolina
Fuller Automotive Service, Inc	DEE-6749	06/22/79	Massachusetts
Gordon Court	DEE-6748	06/22/79	Massachusetts
Greenwich Oil Co., Inc	DEE-6783	06/22/79	Connecticut
Groveland Exxon	DEE-6781	06/22/79	Massachusetts
Hampshire Oil Co., Inc	DEE-6753	06/22/79	New Hampshire
Haw Knob, Inc	DEE-6733	06/22/79	North Carolina
High Street Exxon	DEE-6762	06/22/79	Massachusetts
Hollywood Foreign Auto Repair	DEE-6734	06/22/79	California
Ivy H. Smith Company	DEE-6731	06/22/79	Virginia
J & R Service Center	DEE-6808	06/22/79	New York
J. P. Bellamy Oil Co	DEE-6809	06/22/79	North Carolina
Joe's Gulf Service	DEE-6773	06/22/79	Massachusetts
Ken's Exxon Servicecenter	DEE-6758	06/22/79	New Hampshire
L & B Car Wash	DEE-6817	06/22/79	Connecticut
L. L. Potter, Inc	DEE-6760	06/22/79	Massachusetts
M.D.L. Auto Truck Center, Inc	DEE-6732	06/22/79	Maryland
Main Street Automotive	DEE-6828	06/22/79	Massachusetts
Marcy Brothers, Inc	DEE-6782	06/22/79	Vermont
Mayor of Montgomery, Alabama	DEE-6789	06/22/79	Alabama
Medfield Gulf	DEE-6678	06/22/79	Massachusetts
Melnike, Malcolm	DEE-6737	06/22/79	California
Mickey's Exxon Service	DEE-6754	06/22/79	Massachusetts
Mid City American	DEE-6741	06/22/79	Maryland
Murdocks Service Station	DEE-6745	06/22/79	Connecticut
Murphy's Gulf Station	DEE-6613	06/22/79	Maine
Nodyes Sunoco	DEE-6813	06/22/79	Ohio
Oak Hill Shell Auto Service	DEE-6799	06/22/79	Ohio
Odyssey Enterprises Inc	DEE-6771	06/22/79	Maine
Orlandi's Gulf	DEE-6821	06/22/79	Rhode Island
Osceloa Service Station	DEE-7191	06/22/79	Michigan
Pacific Outdoor Advertising	DEE-6736	06/22/79	California
Partridge, Richard	DEE-6772	06/22/79	Massachusetts
Perley's Gulf Service	DEE-6822	06/22/79	Maine
Powners, Morris	DEE-6757	06/22/79	Massachusetts
Prada, Madeline	DEE-6767	06/22/79	Massachusetts
Q-T-S Oil Company	DEE-6747	06/22/79	New York
Quellette's Market	DEE-6777	06/22/79	Maine
R & W Motor Sales	DEE-6770	06/22/79	Massachusetts
Ratt, Donald G	DEE-6746	06/22/79	New Hampshire
Reed Oil Company	DEE-6866	06/22/79	Tennessee
Rogerson & Manzone	DEE-6755	06/22/79	Massachusetts
Sam Mazza's Grocery	DEE-6761	06/22/79	Vermont
Seekonk Mobil	DEE-6820	06/22/79	Massachusetts
Serignan's Gulf Service	DEE-6814	06/22/79	Louisiana
Stockbridge Motors	DEE-6765	06/22/79	Massachusetts
Sun Valley Gas., Inc. (N. Holly)	DEE-6738	06/22/79	California
Sun Valley Gas., Inc. (Sun Valley)	DEE-6740	06/22/79	California
TJ's Servicecenter	DEE-6816	06/22/79	New York
Tarpy's Inc	DEE-6818	06/22/79	Rhode Island
The George J. Switzer Co	DEE-6687	06/22/79	Connecticut
Thurber, Doulgas	DEE-6751	06/22/79	Massachusetts
Vinnie's Texaco	DEE-6776	06/22/79	Massachusetts
Vito, Inc	DEE-6759	06/22/79	Massachusetts
Willey's Express, Inc	DEE-6766	06/22/79	New Hampshire
Windsor Park Chevron	DEE-6810	06/22/79	Georgia
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[FR Doc. 79-27371 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 22, 1979 through June 29, 1979

Notice is hereby given that during the week of June 22, 1979 through June 29, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

August 27, 1979.

Date	Name and location of applicant	Case No.	Type of submission
June 22, 1979	Marathon Oil Company, Findlay, Ohio	DEA-0471, DES-0471 and DST-0471.	Appeal of Temporary Assignment Order; Requests for Stay and Temporary Stay. If granted: The ERA's May 24, 1979 Temporary Assignment Order would be modified concerning Marathon Oil Company's supply obligations to Lucky Stores. Marathon Oil Company would receive a stay and temporary stay of the Temporary Assignment Order pending a final determination on its Appeal.
June 22, 1979	Nevada Refining Company, Tonopah, Nevada	DSG-0057	Petition for Special Redress. If granted: The DOE would authorize the sale of federal royalty oil to Nevada Refining Company on an interim basis.
June 22, 1979	Office of Enforcement (Forgotson), Louisiana	DFF-0005	Petition for Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R., Part 205, Subpart V, in connection with a Proposed Remedial Order which the DOE issued to James M. Forgotson.
June 25, 1979	James Baller, Washington, D.C.	DFA-0472	Appeal of Information Request Denial. If granted: The DOE's May 25, 1979 Information Request Denial would be rescinded and James Baller would receive access to certain DOE data.
June 25, 1979	Marathon Oil Company, Findlay, Ohio	DEA-0473, DES-0473 and DST-0473.	Appeal or Order; Requests for Stay and Temporary Stay. If granted: DOE Region IV's May 25, 1979 Order concerning Marathon Oil Company's supply obligations to Cone Oil Company, Inc. would be modified. Marathon Oil Company would receive a stay and temporary stay of the Order pending a determination on its Appeal.
June 26, 1979	Amalgamated Bonanza Petroleum Ltd., Houston, Texas.	DEE-6806	Exception from Reporting Requirements. If granted: Amalgamated Bonanza Petroleum Ltd. would be granted an extension of time to file DOE Form EIA-23.
June 26, 1979	Robert L. Blattenberger, Chambersburg, Pennsylvania.	DRW-0016	Interim Remedial Order for Immediate Compliance for which no objection has been filed. If granted: An Interim Remedial Order for Immediate Compliance issued to Robert L. Blattenberger on June 1, 1979 would be issued as a final Remedial Order for Immediate Compliance.
June 26, 1979	Burke's Mobil Service Center, West Chester, Pennsylvania.	DRW-0015	Interim Remedial Order for Immediate Compliance for which no objection has been filed. If granted: An Interim Remedial Order for Immediate Compliance issued to Burke's Mobil Service Center on May 2, 1979 would be issued as a final Remedial Order for Immediate Compliance.
June 25, 1979	Diamond Shamrock Corporation, Amarillo, Texas	DEA-0469	Appeal of Assignment Order. If granted: ERA Region VIII's Assignment Order regarding Diamond Shamrock Corporation's supply obligations to Royal Petroleum would be modified.
June 26, 1979	Eaton's Gulf Service, Parkersbug, West Virginia	DRW-0017	Interim Remedial Order for Immediate Compliance for which no objection has been filed. If granted: An Interim Remedial Order for Immediate Compliance issued to Eaton's Gulf Service on May 31, 1979 would be issued as a final Remedial Order for Immediate Compliance.
June 26, 1979	Highway Oil, Inc., Topeka, Kansas	DEE-6872	Allocation Exception. If granted: Highway Oil, Inc. would receive an exception from various provisions of 10 C.F.R., Part 211 in order to facilitate gasohol production and distribution.
June 26, 1979	IU International Corporation, Washington, D.C.	DEE-6871	Exception from Reporting Requirements. If granted: IU International Corporation would be granted an extension of time to file Form EIA-23.
June 26, 1979	Land O'Lakes, Washington, D.C.	DEX-0182	Supplemental Order. If granted: Land O'Lakes would be granted a protective order regarding confidential information contained in the firm's Applications for Stay, Temporary Stay, and Exception (Case Nos. DEE, DES, DST-5972).
June 26, 1979	Marathon Oil Company, Findlay, Ohio	DEA-0481, DES-0481 and DST-0481.	Appeal of Assignment Order; Request for Stay; Request for Temporary Stay. If granted: DOE Region IV's Assignment Order regarding Marathon Oil Company's supply obligations to McGregor Oil Company would be modified. A temporary stay and stay of the Assignment Order would be granted pending a determination on the Appeal.
June 26, 1979	Navajo Refining Company, Dallas, Texas	DMR-0060	Request for Modification. If granted: The DOE's May 16, 1979 Decision and Order granting entitlements exception relief to Navajo Refining Company would be modified.
June 26, 1979	S & S Arco, Philadelphia, Pennsylvania	DRW-0014	Interim Remedial Order for Immediate Compliance for which no objection has been filed. If granted: An Interim Remedial Order for Immediate Compliance issued to S & S Arco on May 30, 1979 would be issued as a final Remedial Order for Immediate Compliance.
June 26, 1979	Ted's Exxon, Bradley, West Virginia	DRW-0018	Interim Remedial Order for Immediate Compliance for which no objection has been filed. If granted: An Interim Remedial Order for Immediate Compliance issued to Ted's Exxon on May 31, 1979 would be issued as a final Remedial Order for Immediate Compliance.
June 27, 1979	Crown Central Petroleum Corporation, Baltimore, Maryland.	DMR-0059	Request for Modification. If granted: The Assignment Order which the ERA issued to Certified Transport, Inc. on April 19, 1979 would be modified.
June 27, 1979	Hartford Electric Light Company, Hartford, Connecticut.	DED-0446	Motion for Discovery. If granted: The Hartford Electric Light Company would receive access to documents relating to the DOE's rescission of ESECA Prohibition Orders.
June 27, 1979	Fairman Drilling Company, Dubois, Pennsylvania	DEE-6874	Exception from Reporting Requirements. If granted: Fairman Drilling Company would be granted an extension of time to file Form EIA-23.
June 27, 1979	Mallard Resources, Midland, Texas	DEE-6873	Exception from Reporting Requirement. If granted: Mallard Resources would be granted an extension of time to file Form EIA-23, Part II.
June 27, 1979	Vickers Petroleum Corporation, Washington, D.C.	DEA-0480, DST-0480 and DES-0480.	Request for Stay; Request for Temporary Stay; Appeal of Redirection Order. If granted: The ERA's June 18, 1979 Redirection Order regarding Vickers Petroleum Corporation's supply obligations to Gibble Oil Company would be modified.
June 28, 1979	Kansas-Nebraska Natural Gas Company, Inc., Hastings, Nebraska.	DEE-6970	Price Exception (212.165). If granted: Kansas-Nebraska Natural Gas Company, Inc. would receive price relief from the provisions of 10 C.F.R., Part 212, Subpart K.
June 29, 1979	Texaco, Inc., White Plains, New York	DEN-6985 and DEE-6985.	Request for Interim Order. If granted: Texaco, Inc. would be granted a supply of motor gasoline for its van pool vehicles on an interim basis pending a final determination on its Application for Exception.

Notices of Objection Received

[Week of June 22, 1979 to June 29, 1979]

Date	Name and location of applicant	Case No.
June 25, 1979	Phillips Petroleum Oklahoma, Bartlesville, Oklahoma	DXE-2171
June 26, 1979	Lutwyche's Shell and Triangle Shell, Towson, Maryland	DEO-0244 and DEO-0245
June 27, 1979	Auto Row Texaco, San Jose, California	DEE-4290
June 27, 1979	Fannon Petroleum Services, Inc., Houston, Texas	DEE-3884
June 26, 1979	Union Oil Company of California, Houston, Texas	DEE-2022
June 27, 1979	Triangle J Oil Company, Denver, Colorado	DEE-3141
June 27, 1979	Mohawk Petroleum Corp., Inc., Los Angeles, California	DEE-2105
June 28, 1979	Belle Haven Sunoco, Lanham, Maryland	DEO-0246 and DEO-0248
June 28, 1979	Fairlington Sunoco, Lanham, Maryland	DEO-0249

List of Cases Involving The Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of June 22 through June 29, 1979

If granted, the following firms would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline

Amaral, Richard	DEE-6744	06/22/79	Massachusetts
Avery's Service Station	DEE-6815	06/22/79	Pennsylvania
Beabout's Sunoco	DEE-6807	06/22/79	Pennsylvania
Bellafiore, Frank S	DEE-6756	06/22/79	Massachusetts
Berry's Garage	DEE-6819	06/22/79	Massachusetts
Blue Springs R-IV School District	DEE-7039	06/22/79	Missouri
Bobby Taylor Oil Co., Inc. #2	DEE-6742	06/22/79	North Carolina
Brooks, Inc.	DEE-6784	06/22/79	Massachusetts
Buddy W. Runnels Exxon Station	DEE-6811	06/22/79	Texas
C.N. Brown Co. (Laconia)	DEE-6778	06/22/79	Maine
C.N. Brown Co. (Tilton)	DEE-6779	06/22/79	New Hampshire
Carl Sunoco	DEE-6760	06/22/79	Massachusetts
Caron's Gulf	DEE-6774	06/22/79	New Hampshire
Chris #2	DEE-6827	06/22/79	Massachusetts
Colonial Oil Company	DEE-6865	06/22/79	Virginia
D. & H. Car Wash Inc	DEE-6763	06/22/79	Rhode Island
Dave's Alignment Service	DEE-6768	06/22/79	Massachusetts
Davis & Tripp, Inc.	DEE-6825	06/22/79	Massachusetts
Dennisport Car Care Inc	DEE-6824	06/22/79	Massachusetts
Dick's Exxon	DEE-6769	06/22/79	Maine
Don's Gulf Service Inc	DEE-6775	06/22/79	Massachusetts
Doug's Exxon	DEE-6764	06/22/79	Massachusetts
EA-ZEE Shop	DEE-6743	06/22/79	Kansas
Edison, Con	DEE-6311	06/22/79	New York
Elson & Winland Sunoco	DEE-6805	06/22/79	Ohio
Empire Oil Co. Inc	DEE-6750	06/22/79	Massachusetts
Ernst, Richard H. & Eunice	DEE-6735	06/22/79	California
Expressway Arco	DEE-6826	06/22/79	Massachusetts
Fleuette's Automotive	DEE-6823	06/22/79	Massachusetts
Fred's Exxon	DEE-6752	06/22/79	Massachusetts
Freeman, Keith	DEE-6812	06/22/79	North Carolina
Fuller Automotive Service Inc	DEE-6749	06/22/79	Massachusetts
Gordon Court	DEE-6748	06/22/79	Massachusetts
Greenwich Oil Co., Inc	DEE-6783	06/22/79	Connecticut
Groveland Exxon	DEE-6781	06/22/79	Massachusetts
Hampshire Oil Co., Inc	DEE-6753	06/22/79	New Hampshire
Haw Knob Inc	DEE-6733	06/22/79	North Carolina
High Street Exxon	DEE-6762	06/22/79	Massachusetts
Hollywood Foreign Auto Repair	DEE-6734	06/22/79	California
Ivy H. Smith Company	DEE-6731	06/22/79	Virginia
J & R Service Center	DEE-6808	06/22/79	New York
J. P. Bellamy Oil Co	DEE-6809	06/22/79	North Carolina
Joe's Gulf Service	DEE-6773	06/22/79	Massachusetts
Ken's Exxon Servicenter	DEE-6758	06/22/79	New Hampshire
L & B Car Wash	DEE-6817	06/22/79	Connecticut
L.L. Potter, Inc.	DEE-6760	06/22/79	Massachusetts
M.D.L. Auto Truck Center, Inc	DEE-6732	06/22/79	Maryland
Main Street Automotive	DEE-6828	06/22/79	Massachusetts
Marcy Brothers, Inc	DEE-6782	06/22/79	Vermont
Mayor of Montgomery, Alabama	DEE-6789	06/22/79	Alabama
Medfield Gulf	DEE-6678	06/22/79	Massachusetts
Melnike, Malcolm	DEE-6737	06/22/79	California
Mickey's Exxon Service	DEE-6754	06/22/79	Massachusetts
Mid City American	DEE-6741	06/22/79	Maryland
Murdocks Service Station	DEE-6745	06/22/79	Connecticut
Murphy's Gulf Station	DEE-6613	06/22/79	Maine
Noyes Sunoco	DEE-6813	06/22/79	Ohio
Oak Hill Shell Auto Service	DEE-6799	06/22/79	Ohio

Odyssey Enterprises Inc	DEE-6771	06/22/79	Maine
Orlandi's Gulf	DEE-6821	06/22/79	Rhode Island
Osceloa Service Station	DEE-7191	06/22/79	Michigan
Pacific Outdoor Advertising	DEE-6736	06/22/79	California
Partridge, Richard	DEE-6772	06/22/79	Massachusetts
Perley's Gulf Service	DEE-6822	06/22/79	Maine
Powers, Morris	DEE-6757	06/22/79	Massachusetts
Prada, Madeline	DEE-6767	06/22/79	Massachusetts
Q-T-S Oil Company	DEE-6747	06/22/79	New York
Quellette's Market	DEE-6777	06/22/79	Maine
R & W Motor Sales	DEE-6770	06/22/79	Massachusetts
Ratt, Donald G	DEE-6746	06/22/79	New Hampshire
Reed Oil Company	DEE-6866	06/22/79	Tennessee
Rogerson & Manzone	DEE-6755	06/22/79	Massachusetts
Sam Mazza's Grocery	DEE-6761	06/22/79	Vermont
Seekonk Mobil	DEE-6820	06/22/79	Massachusetts
Serignan's Gulf Service	DEE-6814	06/22/79	Louisiana
Stockbridge Motors	DEE-6765	06/22/79	Massachusetts
Sun Valley Gas., Inc. (N. Hollywood)	DEE-6738	06/22/79	California
Sun Valley Gas., Inc. (Sun Valley)	DEE-6740	06/22/79	California
T J's Servicenter	DEE-6816	06/22/79	New York
Tarpy's Inc	DEE-6818	06/22/79	Rhode Island
The George J. Switzer Co	DEE-6687	06/22/79	Connecticut
Thurber, Douglas	DEE-6751	06/22/79	Massachusetts
Vinnie's Texaco	DEE-6776	06/22/79	Massachusetts
Vito, Inc	DEE-6759	06/22/79	Massachusetts
Willey's Express Inc	DEE-6766	06/22/79	New Hampshire
Windsor Park Chevron	DEE-6810	06/22/79	Georgia
Ace Oil Company	DEE-6844	06/25/79	Maine
Adamson Amoco	DEE-6836	06/25/79	Massachusetts
Appleby's Service, Inc	DEE-6900	06/25/79	Wisconsin
B & B Service Center	DEE-6870	06/25/79	Virginia
Bartel Oil Company	DEE-6858	06/25/79	Oklahoma
Bogalusa Material	DEE-6787	06/25/79	Louisiana
Bonnett, W. R	DEE-6792	06/25/79	Maryland
C & J's Self-Serv	DEE-6788	06/25/79	Texas
Calaveras Transit Co	DEE-6797	06/25/79	California
D & W Sanitation	DEE-6796	06/25/79	California
Dale's Minimarket	DEE-6830	06/25/79	Pennsylvania
Dart Drug Corporation	DEE-6850	06/25/79	Maryland
Dedham Ave. Texaco Service	DEE-6841	06/25/79	Massachusetts
Denny's Exxon	DEE-6857	06/25/79	Arizona
Dick's Gulf Station	DEE-6847	06/25/79	Massachusetts
Drayton Standard	DEE-6831	06/25/79	North Dakota
Eugene Wonnenberg Standard	DEE-6798	06/25/79	North Dakota
Expressway Arco Service	DEE-6842	06/25/79	Massachusetts
Exxon Service Station	DEE-6944	06/25/79	Texas
General Rental Company	DEE-6846	06/25/79	Rhode Island
Georgetown Gulf	DEE-6860	06/25/79	District of Columbia
H. A. Wallace (Meredith)	DEE-6840	06/25/79	New Hampshire
H. A. Wallace (Plymouth)	DEE-6845	06/25/79	New Hmapshire
Jim's Elm Street Gulf	DEE-6848	06/25/79	Massachusetts
Joe's Super Service	DEE-6843	06/25/79	Connecticut
Jones 66 Service Station	DEE-6864	06/25/79	Tennessee
Ken's Lakeside Gulf	DEE-6833	06/25/79	New Hampshire
Lamdureux, Gerard P	DEE-6838	06/25/79	New Hampshire
Linn Enterprises, Inc	DEE-6854	06/25/79	Minnesota
N-59 Pontiac Lake Shell	DEE-6863	06/25/79	Michigan
Maxwell Oil Co., Inc	DEE-6859	06/25/79	Washington
Mildred Strickland Serv. Station	DEE-6856	06/25/79	Mississippi
Miley's Texaco Service	DEE-6791	06/25/79	Oklahoma
Murphy's Exxon	DEE-6851	06/25/79	Tennessee
Oak Manor Standard	DEE-6853	06/25/79	North Dakota
Palmers Texaco	DEE-6862	06/25/79	Colorado
Parkway Taxi Company	DEE-6861	06/25/79	Ohio
Peary's Gulf	DEE-6835	06/25/79	Maine
Plymouth Gulf Services	DEE-6837	06/25/79	Massachusetts
Ripperdan Market	DEE-6875	06/25/79	California
Robert Duncan Gulf Station	DEE-6852	06/25/79	Missouri
San Martin Texaco	DEE-6794	06/25/79	California
Sea View Exxon	DEE-6834	06/25/79	Maine
Shannon Motors Inc	DEE-6849	06/25/79	Rhode Island
Smallwood, S. E	DEE-6793	06/25/79	Maryland
Southern Stations Inc	DEE-6832	06/25/79	Alabama
Southern Oil Company	DEE-6786	06/25/79	Mississippi
Trail Amoco	DEE-6855	06/25/79	Florida
Webb's Garage & Mobil	DEE-6790	06/25/79	Texas
Yoerg's Garage	DEE-6839	06/25/79	Massachusetts
Avis Leasing Corp	DEE-6914	06/26/79	Pennsylvania
B & D Oil Co., Inc	DEE-6903	06/26/79	Missouri
Blue Ridge Oil	DEE-6946	06/26/79	North Carolina
Burns Brothers Truck Plaza Inc	DEE-6889	06/26/79	Kentucky
Caparo's Texaco	DEE-6909	06/26/79	Pennsylvania
Charley's Exxon	DEE-6915	06/26/79	California

Collum, Paul	DEE-6904	06/26/79	Texas
Colony Oil Service	DEE-6945	06/26/79	Virginia
Fulton Industrial Shell	DEE-6876	06/26/79	Georgia
Garland, Patrick	DEE-6925	06/26/79	Kentucky
Greenhorne & O'Mara, Inc	DEE-6901	06/26/79	Maryland
Groveland Community Services	DEE-6902	06/26/79	California
Guyer's Auto Service	DEE-6912	06/26/79	Pennsylvania
Hermans Chevron	DEE-6917	06/26/79	New Mexico
High-Eighty Exxon	DEE-6913	06/26/79	Texas
Hodskins Sunoco Service	DEE-6926	06/26/79	Kentucky
J. T. McKinney Co., Inc	DEE-6920	06/26/79	California
Johnnie Jones Roofing	DEE-6919	06/26/79	California
Johnson, John	DEE-6906	06/26/79	Michigan
Jordan Oil Co	DEE-6908	06/26/79	Virginia
Kraemer, F. E	DEE-6795	06/26/79	Maryland
L & J Sunoco	DEE-6928	06/26/79	Kentucky
Laroche Chevron	DEE-6940	06/26/79	Florida
Lee Arco Service	DEE-6829	06/26/79	Massachusetts
Macomb County Road Commission	DEE-6916	06/26/79	Michigan
Merriam Lincoln Mercury	DEE-6930	06/26/79	Connecticut
Midway Gas and Oil	DEE-6921	06/26/79	Wisconsin
Montana City Store	DEE-6931	06/26/79	Montana
Pete's Drive In Grocery	DEE-6910	06/26/79	Texas
R & R Sunoco	DEE-6927	06/26/79	Kentucky
Robert's Gulf Tire Service	DEE-6922	06/26/79	Pennsylvania
Seatac Mini Mart	DEE-6924	06/26/79	Washington
Servis-Likens Truck Co., Inc	DEE-6911	06/26/79	California
Sierra Glen Store	DEE-6907	06/26/79	California
Southern Truck Terminal	DEE-6891	06/26/79	South Carolina
State of Connecticut	DEE-6918	06/26/79	Connecticut
Sweeny Police Department	DEE-6954	06/26/79	Texas
Walton Oil Company	DEE-6905	06/26/79	Nebraska
Weigant, Norman	DEE-6923	06/26/79	California
Western Avenue Arco	DEE-6941	06/26/79	New York
Zandwic's Sunoco	DEE-6929	06/26/79	New Jersey
A. C. Gas Co	DEE-6887	06/27/79	Kentucky
Al's Fina	DEE-6939	06/27/79	Texas
Baker's Gulf	DEE-6879	06/27/79	Texas
Bale Tire Store	DEE-6890	06/27/79	Kentucky
Bartkus Oil Corporation	DEE-6898	06/27/79	Colorado
Braxton's Amoco	DEE-6936	06/27/79	Virginia
Brown's Gas & Grocery	DEE-6937	06/27/79	Texas
C. B. Ragland Co	DEE-6888	06/27/79	Tennessee
Cave Springs Chevron No. 8044	DEE-6878	06/27/79	California
Dick	DEE-6897	06/27/79	California
Duncan Oil Company	DEE-7118	06/27/79	South Carolina
Ebbetts Pass Gas Service	DEE-6935	06/27/79	California
Hartwell Industries, Inc	DEE-6893	06/27/79	South Carolina
Hillcrest Mobil Service Station	DEE-6943	06/27/79	Texas
Homes Oil Co., Inc	DEE-6894	06/27/79	District of Columbia
Howard Cook-General Contractor	DEE-6895	06/27/79	Florida
James Oil Company	DEE-7209	06/27/79	Texas
John's Auto Service	DEE-6934	06/27/79	Louisiana
Kern's Thrift	DEE-6886	06/27/79	Kentucky
Marlborough Sinclair Service	DEE-6877	06/27/79	Missouri
Mike Craig Arco Station	DEE-6932	06/27/79	Pennsylvania
North River Gulf	DXE-7196	06/27/79	Georgia
Pete Loupe Mobil Service	DEE-6899	06/27/79	Louisiana
Senn Texaco Station	DEE-6881	06/27/79	Texas
Stemmons Freeway Mobil Station	DEE-6880	06/27/79	Texas
Thompson Oil Co. of Tulsa, Inc	DEE-6896	06/27/79	Oklahoma
Transportation Testing Inc. of	DEE-6938	06/27/79	Texas
Travelers Petroleum Inc	DEE-6959	06/27/79	South Carolina
W & J Supply	DEE-6892	06/27/79	California
Barbara's Texaco	DEE-6948	06/28/79	Texas
Belvidere Car Wash	DEE-6951	06/28/79	Massachusetts
Bescar Industries	DEE-6942	06/28/79	Delaware
Bob's Standard	DEE-6965	06/28/79	Minnesota
C. T. Decinces Construction Corp	DEE-6952	06/28/79	California
Courtesy Tow Service	DEE-6950	06/28/79	California
Crest International Petroleum	DEE-6953	06/28/79	Virginia
Crounse Corporation	DEE-6956	06/28/79	Kentucky
Dry Gulch Buggy Wash., Inc	DEE-6933	06/28/79	Texas
Easy Shop-Canton, OK	DEE-6962	06/28/79	Oklahoma
Easy Shop-Hydro, OK	DEE-6963	06/28/79	Oklahoma
Easy Shop-Thomas, OK	DEE-6961	06/28/79	Oklahoma

Fletcher Oil Company	DEE-6869	06/28/79	Arkansas
Frank's N. 52 Service	DEE-6947	06/28/79	Minnesota
G & H Shell, Inc	DEE-6960	06/28/79	Pennsylvania
Johnson's Grocery	DEE-6955	06/28/79	Virginia
Lane, Lee Roy	DEE-6956	06/28/79	Georgia
Parkview Texaco	DEE-6949	06/28/79	Louisiana
Rulon, John C	DEE-6967	06/28/79	California
Smitty's Amoco	DEE-6964	06/28/79	Connecticut
Truckstops Corporation of Am	DEE-6966	06/28/79	Arkansas
Ware Oil Company Incorporated	DEE-6969	06/28/79	Virginia
Antietam Exxon	DEE-7013	06/29/79	Maryland
Bobby's Ashley Plaza Amoco	DEE-6981	06/29/79	South Carolina
Camacho Aerial Service	DEE-6982	06/29/79	California
Community Fuel	DEE-6979	06/29/79	New York
Fred's Service Center	DEE-6975	06/29/79	Maryland
Huss, John	DEE-6978	06/29/79	North Carolina
Jerry Menefee Shell Station	DEE-6977	06/29/79	Texas
Kingston Hill Store	DEE-7015	06/29/79	Rhode Island
Russ's Mobil	DEE-6971	06/29/79	California
San Fernando Valley Academy	DEE-6980	06/29/79	California
Summer Ave. 66 Service	DEE-6976	06/29/79	Tennessee
Texaco Service Station	DEE-6973	06/29/79	Texas
U.S. Post Office (Alvin, TX.)	DEE-6983	06/29/79	Texas
Webster, John	DEE-7036	06/29/79	Mississippi

Items Retrieved 242

[FR Doc. 79-27372 Filed 8-31-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 2913, 2918]

Alabama Electric Cooperative Inc. and Municipal Electric Authority of Georgia; Applications for Preliminary Permit

August 23, 1979.

Take notice that Alabama Electric Cooperative, Incorporated (AEC) and the Municipal Electric Authority of Georgia (MEAG), filed on March 7, 1979, and March 16, 1979, respectively, competing applications [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–§ 825(r) (1976)] for preliminary permits for proposed hydroelectric power projects, each to be known as the George W. Andrews Lock and Dam Project (FERC Project Nos. 2913 and 2918, respectively), located on the Chattahoochee River. Project No. 2913 would be located in Early County, Georgia and Houston County, Alabama.[1] Project No. 2918 would be located in Early County, Georgia. The proposed projects would be located on a navigable waterway of the United States; occupy in whole, or in part, lands of the United States; and use the water power from the Corps of Engineers' George W. Andrews dam.

Correspondence with Alabama Electric Cooperative, Incorporated should be directed to: Mr. Charles Lowman, General Manager, Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama 36420.

Correspondence with the Municipal Electric Authority of Georgia should be directed to: Mr. Donald L. Stokely, General Manager, Municipal Electric Authority of Georgia, 800 Peachtree Center—South Tower, 225 Peachtree Street, Atlanta, Georgia 30303 and Mr. L. Clifford Adams, Jr., General Counsel, 66 Luckie Street, N.W.—Suite 520, Atlanta, Georgia 30303.

Project Description—AEC's proposed project would consist of: (1) a powerhouse constructed as an integral part of the spillway section of the U.S. dam; (2) a single horizontal-axis turbine-generator with an estimated (preliminary) installed capacity of 10,000 kW at a rated head of 16 feet; and (3) appurtenant facilities. The estimated annual output of the proposed project is 60,000,000 kWh. The project would be operated in coordination with the Corps of Engineers' Walter F. George Powerplant, which is located 28 miles upstream, to reregulate the erratic inflows caused by peaking power operations of the Walter F. George powerhouse.

MEAG's proposed project would consist of: (1) a powerhouse constructed as an integral part of the U.S. dam and adjacent to the navigation lock; (2) hydroelectric generating units (number, size and type to be determined in the course of the study) with a total estimated (preliminary) installed capacity of 30,000 kW, operating at an average head of 24 feet; (3) step-up transformers; (4) approximately one mile of double-circuit 115-kV transmission line to connect with the existing electric distribution system; and (5) appurtenant facilities. The estimated annual output of the proposed project is 86,724,000 kWh.

Purpose Of Project—Project energy will be utilized in meeting power requirements of the customers for whose power supply the Applicants are responsible.

Proposed Scope And Cost Of Studies Under Permit—AEC and MEAG each seek the issuance of a preliminary permit for a period of 36 months, during which time the Applicants propose to study the feasibility of installing hydroelectric generating units at the existing George W. Andrews Lock and Dam of the U.S. Army Corps of Engineers. AEC estimates the cost of studies under the permit would be $95,000. MEAG estimates the cost of studies under the permit would be $58,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, Applicants each seek 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 applications for preliminary permit. (A copy of the applications may be obtained directly from the respective Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit 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 to comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about either application

[1] Maps filed as part of the original document.

should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before October 29, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27377 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-430]

Natural Gas Pipeline Company of America; Application

August 24, 1979

Take notice that on August 6, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-430 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change prior to November 1, 1979, in the time period that Natural's presently effective Rate Schedule AOR-1 (Authorized Over-Run) Service is offered to Natural's present jurisdictional purchasers from the current seven-month period (April through October) to a twelve-month period, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural pursuant to its FERC Gas Rate Schedule AOR-1, has offered natural gas volumes available (over-run gas) on its system that in Natural's judgment are not required to meet its current entitlements and company requirements to its nine presently curtailed participating customers.[1] These over-run gas deliveries would be subject to curtailment or interruption at any time when in Natural's sole judgment such over-run gas is not available for delivery. Natural seeks authorization to have the ability to offer this service at any time during the year as opposed to only during the April through October period.

Natural requests that the Commission issue the authorization requested herein prior to November 1, 1979, so that it would be able to continue to offer the AOR-1 Service for the ensuing winter period and for twelve month periods thereafter.

Natural's charge for gas delivered under Rate Schedule AOR-1 is based on the commodity rate component level of its Rate Schedule DMQ-1. The effective rate for Rate Schedule AOR-1 is 163.10 cents per Mcf and is effective subject to refund pending the outcome of Natural's rate increase filing pending in Docket No. RP78-78.

Natural states that by extending its AOR-1 service to a full twelve-month period Natural would acquire greater flexibility in matching its available gas supply with its customers' requirements. No new or additional facilities would be required to effectuate the proposal herein requested as this service is subject to the availability of gas supply to Natural and Natural's ability to transport and deliver available AOR-1 gas to participating customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 19, 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 with 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. 79-27380 filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-432]

Northern Natural Gas Co.; Application

August 22, 1979

Take notice that on August 7, 1979, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-432 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon and remove two 1,080 horsepower compressor units from its Redfield, Iowa, Storage Field and further, for a certificate of public convenience and necessity authorizing the construction and operation of certain interconnecting and compression facilities located in Calcasieu Parish, Louisiana, and in Pecos County, Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Northern requests authorization to construct and operate a pipeline interconnection and compressor station between the facilities of Transcontinental Gas Pipe Line Corporation (Transco) and Texas Eastern Transmission Corporation (Texas Eastern) to be located near Starks, Calcasieu Parish, Louisiana, and to construct and operate a pipeline interconnection and compressor station between the facilities of Oasis Pipe Line Company (Oasis) and Northern near Fort Stockton, Pecos County, Texas.

Northern states that it has obtained a commitment of reserves from twelve producers having interest in 7 blocks in the High Island area, offshore Texas, and the West Cameron area, offshore Louisiana.

In July 1979, the application indicates, an estimated 85,000 Mcf per day would

[1] Rate Schedule AOR-1 is available to any of Natural's DMQ-1 or G-1 customers. However, said rate schedule also provides that during any month when Natural is curtailing its customers, Natural is required to offer this over-run service first to its curtailed customers to the extent of such curtailment. Natural does not foresee offering any over-run gas volumes in excess of its curtailment in any month, and only its nine curtailed customers have participated in this service to date.

be available to Northern from certain of the blocks and it is anticipated that in November 1979 the deliverability from the gas reserves attributable to Northern's interest in the blocks would be 130,000 Mcf per day. Such gas would be transported from various points in the High Island and West Cameron areas to a point in West Cameron Block 167, offshore Louisiana, by High Island Offshore System (HIOS), pursuant to a transportation agreement dated February 15, 1978 as amended, between HIOS and Northern. At the northern terminus of the HIOS system in West Cameron Block 167, U–T Offshore System (U–TOS) would take delivery of Northern's gas and would transport such gas to a point of interconnection onshore with the existing facilities of Transco near Johnson's Bayou, Cameron Parish, Louisiana, pursuant to a transportation agreement dated May 1, 1978, as amended, between U–TOS and Northern.

Pursuant to a gas transportation agreement between Transco and Northern dated June 14, 1979, Transco would transport up to 150,000 Mcf per day of Northern's offshore gas received at the terminus of the U–TOS system north through its pipeline system to the point of interconnection, near Starks. The gas would then be compressed and delivered into an existing 30-inch pipeline owned by Texas Eastern. The transportation of gas by Transco for Northern's account would be on a best efforts basis until certain facilities are installed on Transco's Southwest Louisiana Gathering System and the facilities proposed are installed and operating. The agreement also provides for the transportation and delivery on a best efforts basis, of up to 150,000 Mcf per day for Northern's account to an existing interconnection between the pipeline facilities of Transco and Texas Eastern near Ragley, Louisiana.

By agreement dated June 7, 1979, between Texas Eastern and Northern, Texas Eastern would transport up to 100,000 Mcf per day on a firm basis and 50,000 Mcf per day on a best efforts basis of Northern's offshore gas received at the Starks Interconnection and deliver such to Houston Pipe Line Company (Houston) and the Mont Belvieu Interconnection between Texas Eastern and Houston located in Chambers County, Texas and/or at an interconnection located near Mauriceville, Orange County, Texas. Pending completion of Transco's facilities and the Starks Interconnection, Texas Eastern would take delivery of gas from Transco, for Northern's account at the Ragley Interconnection for further transportation and delivery to Houston.

Northern proposes to construct and operate the following facilities:

(1) An interconnection and compressor station between the pipeline facilities of transco and Texas Eastern near Starks, Calcasieu Parish, Louisiana. The facilities would consist of three 3,100 horsepower turbine driven compressor units (Starks Compressor Station), approximately 0.8 mile of 16-inch pipeline extending from the discharge of the proposed compressor station to Texas Eastern's existing 30-inch pipeline and measurement facilities (Starks Interconnection). One of the units installed at the proposed Starks Compressor Station would serve as a standby unit. Texas Eastern would operate the proposed pipeline and measurement facilities, as agent for Northern.

(2) Minor facilities to reconnect an existing emergency interconnection between the facilities of Oasis and Northern located in, Pecos County, Texas (Oasis Delivery Point).

(3) Two 1,080 horsepower turbine drive compressor units (Gomez #2 Compressor Station) at the oasis Delivery Point located in Pecos County, Texas.

The compressor facilities which Northern requests authorization to construct and operate are necessary to effectuate the delivery of gas to Texas Eastern at the Starks Interconnection and the receipt of such gas volumes from Oasis in Pecos County, Texas, it is asserted.

The estimated cost of the proposed facilities is $10,633,500, and would be financed from cash on hand.

Northern presently has six compressor units with a total of 9,160 compressor horsepower installed at its Redfield, Iowa, Storage Field. It has been determined that as a result of operating changes at Redfield, two 1,080 horsepower turbine drive compressor units are no longer required at the Redfield Storage Field.

Northern can maintain the desired injection and withdrawal volumes with less horsepower than is presently installed. Under present and proposed operating conditions, Northern has 2,160 horsepower in excess of the 7,000 horsepower required to compress the volumes to be injected into and withdrawn from the Redfield Storage Field.

Northern plans to utilize the surplus Redfield Storage Field units at the proposed Gomez #2 Compressor Station. The estimated cost of removing the Redfield units is $60,000 which would be financed from cash on hand.

Therefore, Northern requests permission and approval to abandon and remove two 1,080 horsepower turbine driven compressor units from its Redfield, Iowa, Storage Field.

The proposed facilities would materially assist Northern in meeting its customer's requirements during the 1979–80 heating season by enabling it to deliver new gas supplies to Texas Eastern and to ultimately receive back such volumes on a reliable basis from Oasis.

Northern plans to commence construction of the proposed Starks Interconnection in September 1979 with a projected completion date of December 15, 1979, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1979, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment and a grant of the certificate are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27376 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER79-456; ER79-458]

Ohio Power Co., et al.; Order Accepting Termination of Rate Schedules for Filing, Suspending Termination, Consolidating Dockets and Establishing Procedures

Issued August 24, 1979.

On June 25, 1979, Ohio Power Company (Ohio) and The Dayton Power and Light Company (Dayton) jointly tendered for filing a Notice of Termination of Supplement No. 1 to Supplement No. 16 to Ohio's Rate Schedule FERC No. 36, and Supplement No. 1 to Supplement No. 3 to Dayton's Rate schedule FERC No. 31—Service Schedule I—Fuel Conservation Power and Energy. Ohio and Dayton state that under the Schedule no service is to be provided after December 31, 1974. Therefore, they request the Commission to order that the notice of termination become effective at any time after December 31, 1974 as provided in § 35.15 of the Commission's Rules of Practice and Procedure. Ohio and Dayton have not filed a superseding fuel conservation service rate schedule.

Notice of the filing was issued on July 3, 1979 with comments, protests or petitions to intervene due on or before July 23, 1979. No comments, protests or petitions to intervene were filed.

On June 25, 1979, Indiana & Michigan Electric Company (I&M) and Central Illinois Public Service Company (CIPSCO) jointly tendered for filing a Notice of Termination of I&M's Rate Schedule FERC No. 67 and CIPSCO's Rate Schedule FERC No. 76—Service Schedule H—Fuel Conservation Power and Energy. I&M and CIPSCO state that under the schedule no service is to be provided after December 31, 1974. Therefore, they request the Commission to order that the notice of termination become effective at any time after December 31, 1974 as provided in Section 35.15 of the Commission's Rules of Practice and Procedure. I&M and CIPSCO have not filed a superseding fuel conservation service rate schedule.

Notice of the filing was issued on July 3, 1979 with comments, protests or petitions to intervene due on or before July 24, 1979. No comments, protests and petitions to intervene were filed.

In a recent order, we consolidated proceedings in a number of dockets, all regarding conservation energy rates, for the purpose of establishing "comprehensible and comprehensive interchange arrangements under which crisis-related transactions should take place." [1] Our concern that rates used during emergency situations be just and reasonable prompted our investigation into such transactions occurring during the coal strike of 1977–1978.[2] We also are considering this subject in rulemakings regarding emergency interchange energy rates [3] and percentage adders on energy rates.[4]

Taking seriously the possibility of fuel emergencies in the future similar to the oil embargo of 1973 and to the coal strike of 1977–1978, we believe it desirable that appropriate rates be on file for fuel conservation service. We are troubled that the two proposed termination described above are not filed with superseding fuel conservation service rate schedules. In particular, we note that the proposed cancellations, if granted, might leave the parties without an appropriate rate schedule to employ in certain kinds of emergencies. Yet it is not clear from the filings that the utilities involved would not intend to provide such service if an emergency arose. Therefore, our review of the filings indicates that the proposed terminations have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful.[5] Accordingly, we shall accept the proposed terminations for filing and suspend them for five months, to become effective January 25, 1980, subject to refund, pending the outcome of a decision thereon. We shall convene a hearing to decide the justness and reasonableness of the proposed cancellations and to fix, just and reasonable conservation service rates for the parties if it is first determined that the proposed cancellations are not just and reasonable. Since common issues of law and fact exist in the two filings, we shall consolidate the two dockets.

The Commission orders: (A) Due to the existence of common issues of law and fact in the proposed terminations, Docket Nos. ER79–456 and ER79–458 are hereby consolidated.

(B) The proposed joint termination of Ohio's Rate Schedule FERC No. 36 and Dayton's Service Schedule I are accepted for filing and suspended for five months to become effective January 25, 1980, subject to refund.

(C) The proposed joint termination of I&M's Rate Schedule FERC No. 67 and CIPSCO's Service Schedule H are accepted for filing and suspended for five months to become effective January 25, 1980, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, as amended, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held under sections 205 and 206 of the Federal Power Act concerning the justness and reasonableness of the services changes proposed by the four companies who are the parties in this proceeding and, if necessary, to set a just and reasonable rate for conservation service between the parties.

(E) An Administrative Law Judge shall be designated by the Chief Administrative Law Judge for purposes of convening a conference in this proceeding. Such conference shall be held within 30 days of issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. The Presiding Law Judge is authorized to establish all procedural dates and to rule upon all motions (except motions to consolidate and sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27384 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

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[1] Order Consolidating Proceedings and Providing for Prehearing Conference, *Indiana and Michigan Electric Company, et al.*, Docket Nos. ER78–229, *et al.*, issued May 14, 1979 (at page 3).

[2] *See*, Order Instituting Investigation Under the Federal Power Act, Docket No. ER78–367 issued May 10, 1978; *see also* Report of Designated Officer, issued March 19, 1979.

[3] *See*, Notice of Proposed Rulemaking Governing Interchange Energy Rates During Section 202(c) Emergencies, Docket No. RM79–28, issued April 4, 1979.

[4] *See*, Notice of Proposed Rulemaking Limiting Percentage Adders in Electric Rates, Docket No. RM79–29, issued April 4, 1979.

[5] Compare, "Order Suspending Cancellation of Schedule, Denying Waiver of Notice and Establishing Procedures," *Public Service Company of Indiana*, Docket No. ER79–324, issued June 29, 1979.

[Docket No. ID-1879]

John B. Randazza; Filing

August 24, 1979

Take notice that on August 16, 1979, John B. Randazza (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Position, Name of Corporation and *Classification*

Vice Pres., Central Maine Power Co., Public Utility.
Director, Connecticut Yankee Atomic Power Co., Public Utility.
Director, Main Yankee Atomic Power Co., Public Utility.
Vice Pres., Main Yankee Atomic Power Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 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. 79-27381 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EF79-3051]

Southeastern Power Administration; Order Approving Extension of Short-Term Rates

Issued August 24, 1979.

The Assistant Secretary for Resource Appplications (RA) of the Department of Energy, on behalf of the Southeastern Power Administration (SEPA) on March 5, 1979, tendered for filing, for the Commission's confirmation and approval on a final basis, an extension of short-term rates for the sale of hydroelectric power from the Corps of Engineers' Laurel project to East Kentucky Power Cooperative, Inc. (East Kentucky) for the period April 1 through June 30, 1979.[1]

The Laurel project began operation as a hydroelectirc generating facility on October 25, 1977. SEPA originally intended to sell one half of the project's output to East Kentucky and to sell the other half to eight municipal customers in Kentucky (municipals). The power proposed for sale to the municipals was to be transmitted over the transmission facilities of East Kentucky and the Kentucky Utilities Company (KU) SEPA and KU, however, failed prior to the initial operation of Laurel project to agree on a wheeling contract for power allocated to the municipals. While negotiations for a wheeling contract continued, SEPA entered into a temporary contract for sale of the entire project output to East Kentucky. SEPA and KU still have not completed a wheeling agreement.

SEPA has been selling power to East Kentucky under short-term rates that went into effect on November 1, 1977, and after several extensions, are effective until March 31, 1979.[2] In this docket, RA requests further extensions of these short-term rates through June 30, 1979. Subsequent to filing this request for extension, RA has filed long-term rates with the Commission to take effect on June 1, 1979.[3]

Public notice of this filing was published in the **Federal Register** on May 4, 1979. Protests and petitions to intervene were due on or before May 16, 1979.

A petition to intervene was filed jointly on May 16, 1979 by the Cities of Barbourville, Corbin, Falmouth and the Electric and Water Plant Board of the City of Frankfort, Kentucky (Cities), all municipal customers of SEPA. In their petition to intervene, the Cities do not protest the level of SEPA's proposed short-term rates, but they do request that terms and conditions be attached to these rates in order to protect their rights to their share of the Laurel project output. The Cities allege that KU "unlawfully and unreasonably refuses to agree" on provisions of a wheeling agreement with SEPA because the Laurel project power that SEPA originally intended to sell the Cities would replace power the Cities presently buy from KU. To encourage KU to complete a wheeling contract with SEPA, the Cities request that the proposed short-term rate schedule incorporate a banking provision that will reserve Cities' allocated share from the Laurel project (dating back to October, 1977, and continuing until satisfactory transmission agreements are completed between KU and SEPA) to be delivered to Cities at a later date.

We find that the level of the proposed short-term rates meets the statutory requirements. The Cities' request to attach terms and conditions to the proposed rates raises the issue of whether the Commission has authority to grant the relief requested. The Commission shares jurisdiction over power sales by Federal power producers, such as SEPA, with the Department of Energy under Section 5 of the Flood Control Act of 1944; under Section 302 of the Department of Energy Organization Act, and under Section 2 of the Secretarial Delegation Order No. 0204-33, as follows:

Section 5, Flood Control Act of 1944

Electric power and energy generated at reservoir projects under the control of the War Department and in the opinion of the Secretary of War not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years * * *

Section 302(a)(1), Department of Energy Organization Act

There are hereby transferred to, and invested in, the Secretary all functions of the Secretary of the Interior under Section 5 of the Flood Control Act of 1944 * * *

Section 2 of Secretarial Delegation Order 0204-33

2. There is hereby delegated and assigned to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis, or to disapprove, rates developed by the Assistant Secretary under Section 1 * * *

All seen above, the law provides that authority over the allocation of power generated at SEPA's Laurel project lies with the Secretary of DOE. The FERC has final authority over the rate level of power sold by SEPA. Even if the Commission has authority to reject the

[1] The filing was made pursuant to the provision of Section 5 of the Flood Control Act of 1944, the Energy Organization Act, PL 95-91, and the Department of Energy Secretarial Delegation Order No. 0204-33.

[2] The short-term rate are as follows: $56,000 per declared calendar month for capacity plus 10 mills per KWH declared and made available.

[3] Docket No. EF79-3052 filed April 17, 1979.

rate filing on the condition that the requested banking arrangement be inserted in the proposed rate schedule, such authority should not be exercised in that the rate level is not contested and the most appropriate forum for the controversy is before the Assistant Secretary for Resource Applications or SEPA, the entities responsible for the allocation of the power.

The Commission orders: (A) The extension of the short-term rates developed by the Assistant Secretary for Resource Applications of the Department of Energy for the Laurel project, as described above, is hereby confirmed and approved.

(B) The Cities' are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of these intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further* That the admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(C) The Cities' request to restrict and condition our approval and extension of the Laurel project short-term rates is hereby denied.

(D) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27382 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-64 (PGA79-2) (DCA79-2)]

Southern Natural Gas Co.; Order Granting Rehearing for Purpose of Further Consideration

Issued August 24, 1979.

The Commission has before it an application for rehearing of a June 29, 1979 order in the above-captioned docket. The application was filed by Southern Natural Gas Company and requests rehearing of that portion of the order that makes the effectiveness of Southern's PGA filing subject to the condition that pipeline affiliate producer costs be collected subject to refund and subject to Commission action on that issue in final Natural Gas Policy Act regulations (on rehearing).

The Commission has not yet concluded its deliberations on the issue raised in the application for rehearing. It is therefore appropriate in the administration of both the Natural Gas Act and the Natural Gas Policy Act and in the public interest to grant rehearing of the June 29, 1979 order to afford time for additional consideration of this issue.

The Commission Orders: The application for rehearing filed by Southern Natural Gas Company on July 27, 1979, is hereby granted for the limited purpose of further consideration. As provided by Section 1.34(d) of the Commission's Regulations, no answers to the application will be entertained by the Commission since this order does not grant rehearing on any substantive issues.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27383 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

Southern Natural Gas Co., et al.; Notice of Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

August 24, 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.

Alabama Oil and Gas Board

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-16136/6-8-795 PD
2. 01-057-20122
3. 102
4. Grace Petroleum Corporation
5. C Atkinson 17-1
6. Bluff
7. Fayette, AL
8. 124.0 million cubic feet
9. August 13, 1979
10. Southern Natural Gas Co

1. 79-16137/8-3-791 PD
2. 01-057-20145
3. 102
4. Warrior Drilling & Eng Co Inc
5. King-Watt 4-15 #1
6. McCracken Mountain
7. Fayette, AL
8. 25.0 million cubic feet
9. August 13, 1979
10. Warrior Drlg & Engr-P/L Div

1. 79-16138/8-3-792 PD
2. 01-075-20204
3. 102
4. Warrior Drilling & Eng Co Inc
5. Airline Manufacturing Co 23-3
6. Blowhorn Creek
7. Lamar, AL
8. 69.0 million cubic feet
9. August 13, 1979
10.

Illinois Department of Mines and Minerals, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-16115
2. 12-191-00000
3. 103
4. Louis A Pessina Oil & Gas Exploration
5. Katherina Goff No 3
6. Keenville
7. Wayne, IL
8. 24.0 million cubic feet
9. August 6, 1979
10. Crystal Oil Company

1. 79-16116
2. 12-191-00000
3. 103
4. Louis A Pessina Oil & Gas Exploration
5. Katherina Goff No 4
6. Keenville
7. Wayne, IL
8. 24.0 million cubic feet
9. August 6, 1979
10. Crystal Oil Company

1. 79-16117
2. 12-191-00000
3. 103
4. Louis A. Pessina Oil & Gas Exploration
5. Katherina Goff No 5
6. Keenville
7. Wayne, IL
8. 24.0 million cubic feet
9. August 6, 1979
10. Crystal Oil Company

1. 79-16118
2. 12-191-28865
3. 103
4. Texaco Inc
5. W W Thomas NCT-3 No 2
6. Johnsonville
7. Wayne, IL
8. 12.0 million cubic feet
9. August 6, 1979
10. Crystal Oil Company

1. 79-16119
2. 12-191-00000
3. 103
4. Texaco Inc
5. W W Thomas NCT-3 No 3
6. Johnsonville
7. Wayne, IL
8. 3.0 million cubic feet
9. August 6, 1979
10. Crystal Oil Company

Louisiana Office of Conservation

1. Control number (FERC/State)
2. API well number
3. Section of NGPA

4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–16197/79–1740
2. 17–109–21605
3. 102
4. The Louisiana Land & Exploration Co
5. LL&E Fee #4—147952
6. Lake Hatch
7. Terrebonne LA
8. 365.0 million cubic feet
9. August 13, 1979
10.

1. 79–16198/79–1741
2. 17–109–21654
3. 102
4. The Louisiana Land & Exploration Co
5. LL&E Fee #5—148745
6. Lake Hatch
7. Terrebonne LA
8. 146.0 million cubic feet
9. August 13, 1979
10.

1. 79–16199/79–1742
2. 17–109–21654
3. 102
4. The Louisiana Land & Exploration Co
5. LL&E Fee #5–D—151610
6. Lake Hatch
7. Terrebonne LA
8. 365.0 million cubic feet
9. August 13, 1979
10.

1. 79–16200/79–1739
2. 17–109–21535
3. 102
4. The Louisiana Land & Exploration Co
5. LL&E Fee #3—146618
6. Lake Hatch
7. Terrebonne LA
8. 365.0 million cubic feet
9. August 13, 1979
10.

1. 79–16201/79–1688
2. 17–109–22017
3. 102
4. The Louisiana Land & Exploration Co
5. S/L 188 Caillou Is #684—158637
6. Caillou Island
7. Terrebonne LA
8. 241.0 million cubic feet
9. August 13, 1979
10. Texas Eastern Transmission Corp

1. 79–16202/79–1689
2. 17–075–21985
3. 102
4. The Louisiana Land & Exploration Co
5. LL&E Fee #1—148405
6. Lake Washington
7. Plaquemines LA
8. 141.0 million cubic feet
9. August 13, 1979
10. Mid-Louisiana Gas Company

1. 79–16203/79–1690
2. 17–075–21997
3. 102
4. The Louisiana Land & Exploration Co
5. LL&E Fee #4—148532
6. Lake Washington
7. Plaquemines LA
8. 201.0 million cubic feet
9. August 13, 1979
10. Mid-Louisiana Gas Company

1. 79–16204/79–1691
2. 17–075–22066
3. 102
4. The Louisiana Land & Exploration Co
5. LL&E Fee #5—150199
6. Lake Washington
7. Plaquemines LA
8. 183.0 million cubic feet
9. August 13, 1979
10. Mid-Louisiana Gas Company

1. 79–16205/79–19
2. 17–109–21986
3. 102
4. Pennzoil Producing Company
5. Continental Land & Fur Co D #1
6. Kent Bayou
7. Terrebonne LA
8. 35.0 million cubic feet
9. August 13, 1979
10. United Gas Pipe Line Company

1. 79–16206/79–219
2. 17–109–22043
3. 102
4. Pennzoil Producing Company
5. Continental Land & Fur Co C #2
6. Kent Bayou
7. Terrebonne LA
8. 35.0 million cubic feet
9. August 13, 1979
10. United Gas Pipe Line Company

1. 79–16207/79–220
2. 17–109–22008
3. 102
4. Pennzoil Producing Company
5. Continental Land & Fur Co D #1
6. Kent Bayou
7. Terrebonne LA
8. 35.0 million cubic feet
9. August 13, 1979
10. United Gas Pipe Line Company

1. 79–16208/79–1673
2. 17–717–20143
3. 102
4. Chevron USA Inc
5. SL 1486 #21
6. Bay Marchand Block 2
7. Lafourche LA
8. 30.6 million cubic feet
9. August 13, 1979
10. Tennessee Gas Pipe Line Company

1. 79–16209/79–1681
2. 17–101–20999
3. 102
4. Texaco Inc
5. SL 340 Atchafalaya Bay #36
6. Belle Isle
7. Saint Mary LA
8. 6205.6 million cubic feet
9. August 13, 1979
10. United Gas Pipe Line Company

1. 79–16210/79–1683
2. 17–707–20073
3. 102
4. Texaco Inc
5. Lighthouse Point #19
6. Lighthouse Point
7. Vermilion and/or Ibela
8. 292.0 million cubic feet
9. August 13, 1979
10. Transcontinental Gas Pipe Line Company

1. 79–16211/79–1682
2. 17–101–21076
3. 102
4. Texaco Inc
5. Belle Isle No. 38
6. Belle Isle
7. Saint Mary LA
8. 3650.0 million cubic feet
9. August 13, 1979
10. United Gas Pipe Line Company

Michigan Department of Natural Resources

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–16134
2. 21–035–00000
3. 102
4. Dart Oil & Gas Corporation
5. EGTS #7–29 (32477)
6. Lucas FM (Richfield)
7. Clare MI
8. 20.0 million cubic feet
9. August 8, 1979
10. Consumers Power Company

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–16128/3–79–4
2. 25–101–21595
3. 108
4. Croft Petroleum Co
5. R J Christiaens No 1
6. Willow Ridge Gas Field
7. Toole County MT
8. 10.8 million cubic feet
9. August 13, 1979
10. The Montana Power Co

1. 79–16129A/4–79–192A
2. 25–095–21019
3. 108
4. Concept Resources Inc
5. State 4–16
6. Rapelje
7. Stillwater MT
8. 10.5 million cubic feet
9. August 13, 1979
10. Montana-Dakota Utilities Co

1. 79–16129B/4–79–192B
2. 25–095–21022
3. 108
4. Concept Resources Inc
5. State 4A–16
6. Rapelje
7. Stillwater MT
8. 10.5 million cubic feet
9. August 13, 1979
10. Montana-Dakota Utilities Co

1. 79–16130A/4–79–191A
2. 25–095–21027
3. 108
4. Concept Resources Inc
5. Gorr 3–10

6. Rapelje
7. Stillwater MT
8. 14.5 million cubic feet
9. August 13, 1979
10. Montana-Dakota Utilities Co

1. 79–16130B/4–79–191A
2. 25–095–21027
3. 108
4. Concept Resources Inc
5. Gorr 3–10
6. Rapelje
7. Stillwater MT
8. 14.5 million cubic feet
9. August 13, 1979
10. Montana-Dakota Utilities Co

1. 79–16131/4–79–188
2. 25–095–21079
3. 108
4. Concept Resources Inc
5. Miller 1A–9
6. Rapelje
7. Stillwater MT
8. 12.0 million cubic feet
9. August 13, 1979
10. Montana-Dakota Utilities Co

1. 79–16132/4–79–155
2. 25–083–21155
3. 102
4. Farmers Union Central Exchange Inc
5. Unit 5–30
6. Mon Dak West
7. Richland MT
8. 25.0 million cubic feet
9. August 13, 1979
10. Shell Oil Company

1. 79–16133/3–79–113
2. 25–005–21348
3. 108
4. Energetics Inc
5. Energetics State #21×–21
6. Sawtooth Mountain
7. Blaine MT
8. 11.3 million cubic feet
9. August 13, 1979
10. Montana Power Company

New Mexico Department of Energy and Minerals; Oil Conservation Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–16143
2. 30–015–22447
3. 102
4. Mesa Petroleum Co
5. Lincoln State Com #1
6. Undesignated Morrow
7. Eddy, NM
8. 150.0 million cubic feet
9. August 13, 1979
10. Northern Natural Gas Company

1. 79–16144
2. 30–015–22517
3. 102
4. Mesa Petroleum Co
5. Penasco State Com #1
6. Undesignated (Penn)
7. Eddy, NM
8. 100.0 million cubic feet
9. August 13, 1979
10. Northern Natural Gas Company

1. 79–16145
2. 30–015–25570
3. 103, denied
4. Arco Oil and Gas Company
5. State T No 9
6. Denton Devonian
7. Lea, NM
8. 72.0 million cubic feet
9. August 13, 1979
10. Tipperary Land and Exploration Corp

1. 79–16146
2. 30–025–25497
3. 103, denied
4. Arco Oil and Gas Company
5. Flying M State #2
6. Flying M San Andres
7. Lea, NM
8. 13.0 million cubic feet
9. August 13, 1979
10.

1. 79–16147
2. 30–025–10744
3. 108
4. Millard Deck
5. Kelly State #2
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 2.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas

1. 79–16148
2. 30–025–25380
3. 108
4. Millard Deck
5. L W White A #1
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 7.0 million cubic feet
9. August 13, 1979
10. Phillips Petroleum

1. 79–16149
2. 30–025–00000
3. 108
4. Albert Gackle (operator) et al
5. H E Esmond A #2
6. Jalmat-Tansill-Yates-Seven-Rivers P
7. Lea, NM
8. 2.4 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16150
2. 30–025–10743
3. 108
4. Millard Deck
5. Kelly State #1
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 2.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas

1. 79–16151
2. 30–025–00000
3. 108
4. Getty Oil Company
5. Lovington Paddock Unit #74
6. Lovington Paddock
7. Lea, NM
8. 2.0 million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79–16152
2. 30–025–10742
3. 108
4. Millard Deck
5. Kelly State #3
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 9.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas

1. 79–16153
2. 30–025–00000
3. 108
4. Getty Oil Company
5. Lovington Paddock Unit #35
6. Lovington Paddock
7. Lea, NM
8. 1.0 million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79–16154
2. 30–025–00000
3. 108
4. Warren Petroleum Co/Div of Gulf Oil
5. Harry Leonard (NCT–F) Well #11
6. Blinebry
7. Lea, NM
8. 5.4 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16155
2. 30–025–00000
3. 108
4. Gulf Oil Corporation
5. E A Stitcher Well No 2
6. Drinkard
7. Lea, NM
8. 2.5 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16156
2. 30–025–00000
3. 108
4. Warren Petroleum Co/Div of Gulf Oil
5. Harry Leonard (NCT–F) Well #14
6. Blinebry
7. Lea, NM
8. 4.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16157
2. 30–025–00000
3. 108
4. Warren Petroleum Co/Div of Gulf Oil
5. Harry Leonard (NCT–F) Well #16
6. Blinebry
7. Lea, NM
8. 3.5 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16158
2. 30–025–00000
3. 108
4. Gulf Oil Corporation
5. D W Hardin Well #8
6. Hobbs Grayburg San Andres
7. Lea, NM
8. .9 million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79–16159
2. 30–025–00000
3. 108
4. Warren Petroleum Co/Div of Gulf Oil
5. Harry Leonard (NCF–F) Well #12
6. Blinebry

7. Lea, NM
8. 4.5 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16160
2. 30–045–23096
3. 103
4. Amoco Production Company
5. MCEWEN Com C #1
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 107.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16161
2. 30–045–23015
3. 103
4. Manana Gas Inc
5. Clarence #1
6. Bloomfield-Farmington
7. San Juan, NM
8. .0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16162
2. 30–015–22694
3. 103
4. Texas Oil & Gas Corp
5. Indian Hills State Com #1
6. Undesignated cemetery (Morrow)
7. Eddy NM
8. .0 million cubic feet
9. August 13, 1979
10. National Gas P/L Co of America

1. 79–16163
2. 30–025–25653
3. 103
4. S & D Partnership
5. Drinkard Homestead No 1
6. Wantz (Granite Wash)
7. Lea NM
8. 55.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Co

1. 79–16164
2. 30–045–23204
3. 103
4. Amoco Production Company
5. Lopez Gas Com #1
6. Basin Dakota
7. San Juan NM
8. 49.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas

1. 79–16165
2. 30–025–00000
3. 108
4. Sohio Natural Resources Company
5. Pruitt #2 Well
6. Eumont Yates 7 Rivers Queen
7. Lea NM
8. .0 million cubic feet
9. August 13, 1979
10. Getty Oil Company

1. 79–16166
2. 30–005–60461
3. 103
4. Amoco Production Company
5. State/Et/No 1
6. Penn-Und Buffalo Valley Atoka
7. Chaves NM
8. 78.0 million cubic feet
9. August 13, 1979
10. Transwestern Pipeline Co

1. 79–16167
2. 30–025–25962
3. 103
4. Sun Oil Company (Delaware)
5. Boren & Greer Gas Unit Well #2
6. Jalmat Transil Yates 7
7. Lea NM
8. 63.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16168
2. 30–025–26243
3. 103
4. John Yuronka
5. Harrison A #1
6. Langlie Mattix
7. Lea NM
8. 11.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16169
2. 30–015–22843
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–395
6. Empire ABO
7. Eddy NM
8. 33.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16170
2. 30–015–22822
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–324
6. Empire ABO
7. Eddy NM
8. 18.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16171
2. 30–015–22895
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–343
6. Empire ABO
7. Eddy NM
8. 41.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16172
2. 30–015–22776
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–382
6. Empire ABO
7. Eddy NM
8. 47.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16173
2. 30–015–22743
3. 103
4. Continental Oil Company
5. State 19 Comm No 1
6. Empire
7. Eddy NM
8. 650.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas

1. 79–16174
2. 30–015–22845
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–314
6. Empire ABO
7. Eddy NM
8. 58.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16175
2. 30–015–22865
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–353
6. Empire ABO
7. Eddy NM
8. 91.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16176
2. 30–015–22864
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–291
6. Empire ABO
7. Eddy NM
8. 39.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16177
2. 30–015–22819
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E–393
6. Empire ABO
7. Eddy NM
8. 56.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–16178
2. 30–025–25927
3. 103
4. Texas Pacific Oil Company Inc
5. J W Cooper No 7
6. Jalmat/Seven Rivers
7. Lea NM
8. 3.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79–16179
2. 30–025–00000
3. 108
4. Getty Oil Company
5. E L Steeler #5
6. Langlie-Mattix
7. Lea NM
8. 1.0 million cubic feet
9. August 13, 1979
10. Getty Oil Co Natural Gas Plant

1. 79–16180
2. 30–015–22896
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit K–143
6. Empire ABO
7. Eddy, NM
8. 91.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–16181
2. 30–015–22821

3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G-315
6. Empire ABO
7. Eddy, NM
8. 51.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79-16182
2. 30-015-22885
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit L-155
6. Empire ABO
7. Eddy, NM
8. 227.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79-16183
2. 30-015-22787
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G-334
6. Empire ABO
7. Eddy, NM
8. 37.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79-16184
2. 30-015-22846
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G-352
6. Empire ABO
7. Eddy, NM
8. 91.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79-16185
2. 30-015-22817
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E-362
6. Empire ABO
7. Eddy, NM
8. 67.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79-16186
2. 30-015-22808
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit L-156
6. Empire ABO
7. Eddy, NM
8. 97.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79-16187
2. 30-015-22805
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F-373
6. Empire ABO
7. Eddy, NM
8. 56.0 million cubic feet
9. August 13, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79-16188
2. 30-025-25632
3. 103
4. Arco Oil and Gas Company
5. Flying M State #3
6. Flying M San Andres
7. Lea, NM
8. 4.0 million cubic feet
9. August 13, 1979
10.

1. 79-16189
2. 30-025-00000
3. 103 Denied
4. Warren Petroleum Corp/Div of Gulf O
5. Eaves Well No 3
6. Undesignated Wantz Granite Wash
7. Lea, NM
8. 48.5 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas

1. 79-16190
2. 30-025-25845
3. 103
4. Union Texas Petroleum
5. State A-32 No 4
6. Jalmat
7. Lea, NM
8. 135.0 million cubic feet
9. August 13, 1979
10. Northern Natural Gas Company

1. 79-16191
2. 30-025-00000
3. 108
4. Getty Oil Company
5. E L Steeler No 4
6. Langlite-Mattix
7. Lea, NM
8. 1.0 million cubic feet
9. August 13, 1979
10. Getty Oil Co Natural Gas Plant

1. 79-16192
2. 30-025-00000
3. 108
4. Getty Oil Company
5. Myers Langlie-Mattix No 114
6. Langlie Mattix
7. Lea, NM
8. 2.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79-16193
2. 30-025-00000
3. 108
4. Getty Oil Company
5. Myers Langlie-Mattix No 158
6. Langlie Mattix
7. Lea, NM
8. 1.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79-16194
2. 30-025-00000
3. 108
4. Getty Oil Company
5. Myers Langlie-Mattix No 226
6. Langlie Mattix
7. Lea, NM
8. 2.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

1. 79-16195
2. 30-025-25443
3. 108
4. Union Oil Company of Calif.
5. Northern Natural State #1
6. Rock Lake Morrow Gas
7. Lea, NM
8. 18.0 million cubic feet
9. August 13, 1979
10. Northern Natural Gas Co

1. 79-16196
2. 30-025-00000
3. 108
4. Getty Oil Company
5. Myers Langlie-Mattix No 180
6. Langlie Mattix
7. Lea, NM
8. 3.0 million cubic feet
9. August 13, 1979
10. El Paso Natural Gas Company

North Dakota Geological Survey

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-16139/127-NGPA
2. 33-023-00161
3. 102
4. Mosbacher Production Co
5. George C. Anderson No. 1
6. Daneville (Red River)
7. Divide, ND
8. 115.0 million cubic feet
9. August 13, 1979
10.

1. 79-16140/128-NGPA
2. 33-053-00797
3. 102
4. Mosbacher Production Co
5. Federal Land Bank of St Paul 1-26
6. Indian Hill (Red River)
7. McKenzie, ND
8. 182.5 million cubic feet
9. August 13, 1979
10. Montana-Dakota Utilities Co

1. 79-16141/129-NGPA
2. 33-053-00797
3. 103
4. Mosbacher Production Co
5. Federal Land Bank of St Paul 1-26
6. Indian Hill (Red River)
7. McKenzie, ND
8. 182.5 million cubic feet
9. August 13, 1979
10. Montana-Dakota Utilities Co

1. 79-16142/130-NGPA
2. 33-023-00161
3. 103
4. Mosbacher Production Co
5. George C Anderson No 1
6. Daneville (Red River)
7. Divide, ND
8. 115.0 million cubic feet
9. August 13, 1979
10.

Ohio Department of Natural Resources, Divisions of Oil and Gas

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator

5. Well Name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-16135/03755
2. 34-019-20223-0014
3. 108
4. Belden & Blake Oil Production
5. Curtis Seeman #2-432
6.
7. Carroll, ND
8. 3.1 million cubic feet
9. August 13, 1979
10. Belden & Blake Corporation

Utah Division of Oil, Gas and Mining

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-16126/K-110-11(1)
2. 43-047-30532
3. 103
4. Gas Producing Enterprises Inc
5. Natural Butts Cige 58-16-10-21
6. Bitter Creek
7. Uintah, UT
8. 32.0 million cubic feet
9. August 13, 1979
10. Colorado Interstate Gas Co

1. 79-16127/K-110-11(2)
2. 43-047-30512
3. 103
4. Gas Producing Enterprises Inc
5. Natural Butts Cige 55-1-10-21
6. Bitter Creek
7. Uintah, UT
8. 184.0 million cubic feet
9. August 13, 1979
10. Colorado Interstate Gas Co

Osage Agency, Bureau of Indian Affairs, Osage County, Okla.

1. Control number (FERC /State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-16120
2. 35-113-23581-0000-0
3. 103
4. Sun Oil Company (Delaware)
5. Chapman-Barnard Ranch #15
6. Dog Creek South
7. Osage OK
8. 1.0 Million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79-16121
2. 35-113-23840-0000-0
3. 103
4. Sun Oil Company (Delaware)
5. Chapman-Barnard Ranch #18
6. Dog Creek South
7. Osage OK
8. 28.0 Million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79-16122
2. 35-113-23582-0000-0
3. 103
4. Sun Oil Company (Delaware)
5. Chapman-Barnard Ranch #13
6. Dog Creek South
7. Osage OK
8. 1.0 Million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79-16123
2. 35-113-23583-0000-0
3. 103
4. Sun Oil Company (Delaware)
5. Chapman-Barnard Ranch #14
6. Dog Creek South
7. Osage OK
8. 19.0 Million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79-16124
2. 35-113-23841-0000-0
3. 103
4. Sun Oil Company (Delaware)
5. Chapman-Barnard Ranch #16
6. Dog Creek South
7. Osage OK
8. 1.0 Million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

1. 79-16125
2. 35-113-23842-0000-0
3. 103
4. Sun Oil Company (Delaware)
5. Chapman-Barnard Ranch #17
6. Dog Creek South
7. Osage, OK
8. 25.0 Million cubic feet
9. August 13, 1979
10. Phillips Petroleum Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at The Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20326.

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 19, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27386 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-9565]

Town of Massena, New York v. Niagara Mohawk Power Corporation and The Power Authority of the State of New York; Order Denying Request for Emergency Relief

Issued August 23, 1979.

On August 6, 1979, the Town of Massena (Massena) filed a "Motion For Immediate Clarification of Order Granting Request For Summary Disposition In Part, Denying Request For Summary Disposition In Part And Establishing Expedited Hearing Procedures And For Other Emergency Relief." In this motion, Massena does not, in fact, request "clarification" of the Commission's August 1, 1979 Order but rather requests the Commission to (a) order Niagara Mohawk Power Corporation (Niagara Mohawk) to provide emergency tramsmission service to Massena under the terms and conditions of Niagara Contract NS-1 between Niagara Mohawk and the Power Authority of the State of New York (PASNY) and (b) order PASNY to commence delivery of power and energy to Massena pursuant to PASNY's October 17, 1978 contract with Messena. We have determined that the Commission lacks the authority to grant the relief requested. Accordingly, Massena's request for immediate interim relief pending completion of the expedited hearing procedures in this docket is denied.

Background

The procedural history and facts surrounding this docket have been described in our August 1, 1979 order. In this motion, Massena offers no facts which were not before the Commission on August 1, 1979.

In support of its motion, Massena relies, in large part, on the following recent developments in its anti-trust proceeding against Niagara Mohawk in the Federal District Court for the Northern District of New York.[1] On July 6, 1979 that Court denied Massena's motion for a preliminary injunction requiring Niagara Mohawk to transmit PASNY power to Massena. Massena has since renewed that motion. On July 30,

[1] *Town of Massena, New York* v. *Niagara Mohawk Power Corporation*, 79 CV 163.

1979, the Court entered a temporary restraining order enjoining Massena from taking physical possession of the condemned distribution system and operating the system pending a hearing upon Niagara Mohawk's motion for preliminary injunction. The temporary restraining order was extended for ten days on August 9, 1979. Niagara Mohawk filed an answer on August 8, 1979, contending that this Commission lacked the authority under 202(c) to order emergency transmission and, alternatively, that there was no emergency.

Discussion

In support of the requested relief, Massena asserts that if the District Court denies the motions of both Massena and Niagara Mohawk for preliminary injunction and allows the temporary restraining order to lapse, Massena "will take physical possession of the condemned facilities and commence operating the system as of that time unless some other complication develops in the interim." (Motion at 4). Given Niagara Mohawk's continued refusal to provide transmission service to the town, Massena claims that its possession of the distribution system under the circumstances described above will constitute an emergency which entitles it to emergency transmission relief under Section 202(c) of the Federal Power Act. Without commenting on the merits of Massena's application for emergency transmission relief, we find that the Commission lacks the authority to grant such relief.

Pursuant to section 402 of the Department of Energy Organization Act,[2] 42 U.S.C. § 7172, certain functions of the Federal Power Commission were transferred to this Commission including:

> The establishment, review, and enforcement of rates and charges for the transmission or sale of electric energy, including determinations on construction work in progress, under part II of the Federal Power Act, and the interconnection, under Section 202(b) of such Act, of facilities for the generation, transmission, and sale of electric energy (*other than emergency interconnection*) (*Emphasis supplied*).

While the language of the statute refers only to the Commission's lack of authority with respect to "emergency interconnection," we feel that the statute was intended to vest in the Secretary emergency management authority not only under section 202(c) of the Federal Power Act but also under the Natural Gas Act [3] and the Emergency Petroleum Allocation Act of 1973.[4] Thus, the Secretary has authority with respect to the ordering of emergency temporary interconnection of facilities *and* also "such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest," pursuant to section 202(c).[5] To permit the Commission to retain the authority to order emergency transmission service while transferring the authority to order emergency interconnection to another agency would frustrate the purposes of the emergency relief provision of the Federal Power Act and seriously compromise the ability of the Secretary to deal with fuel shortages such as those which occurred in the natural gas shortage of the winter of 1976–1977, the coal strike in 1978 and the petroleum product shortage in 1979. A reading of the statute which divides between two administrative bodies the section 202(c) authority to order emergency interconnection, transmission and sale of electric energy would make it difficult, if not impossible, for prompt, efficient and complete regulatory relief in the kind of emergencies described in section 202(c).

The Commission's view of the division of authority under the DOE Act is reinforced by the provisions of the Department of Energy Delegation Order No. 0204–4, effective October 1, 1977, which delegates to the Administrator of the Economic Regulatory Administration (ERA) the authority to order *all* emergency relief contemplated in section 202(c). The order states that "there is hereby delegated to the Administrator of the ERA the authority to adopt rules, issue orders, licenses, and allocations, collect fees, and take such other action as may be necessary and appropriate to administer the following function:

> To order the temporary connections of facilities, during times of war or national emergency, for the generation or transmission of electric energy and such generation, delivery, interchange, or transmission of electric energy as in the Administrator's judgment will best meet the emergency and serve the public interest, pursuant to the provisions of section 202(c) of the Federal Power Act.

Our finding that we lack jurisdiction to act on Massena's request for emergency transmission service under section 202(c) is also consistent with our treatment of such applications in the past. See *Illinois Power Company*, Docket No. EL78–6 (issued February 1, 1978).

Of course, when and if the ERA exercises its authority under section 202(c) to order emergency interconnection, sales and wheeling, this Commission would set the rates and charges for such sales and service in accordance with this section of the Act. The DOE Act specifically gave the Commission authority to establish all "rates and charges . . . under Part II of the Federal Power Act." [6] We therefore do not read the DOE Act, *Illinois Power, supra*, or Delegation Order No. 0204–4 as limiting in any way the Commission's general ratemaking authority under part II, including the authority to set rates under section 202(c).[7]

Massena has also requested the Commission to order PASNY to commence delivery of power to Massena as of August 9, 1979, in fulfillment of PASNY's pre-existing contractual obligations.

To the extent that Massena is requesting this Commission to require PASNY to *sell* power to Massena, such a request is premature. Massena's current motion and earlier pleadings filed in this docket give no indication that PASNY will not comply with its contractual and license obligations with respect to sales of Niagara Project power to Massena. To the extent that Massena is requesting an order requiring PASNY to fulfill its statutory and license obligation to provide transmission service to Massena, the Commission has, in its August 1, 1979 order, recognized that such an obligation exists. We indicated however that the determination as to the most efficient and economic method of meeting that obligation must await further development of the factual record in this docket. This request for relief, therefore, must await the resolution of factual

[2] Pub. L. No. 95–91 Stat. 565 (1977), 42 U.S.C. 7101 et seq.

[3] Section 402(a)(1)(E).

[4] Section 402(c)(2).

[5] Apparently recognizing this Commission's lack of authority to order relief under section 202(c), on August 7, 1979 Massena filed an application for emergency relief under section 202(c) with the Economic Regulatory Administration. (Docket EC 79–1). On August 15, 1979, the application was denied.

[6] See "Notice of Proposed Rulemaking Governing Interchange Energy Rates During Section 202(c) Emergencies," Docket No. RM79–28, issued April 4, 1979.

[7] The Commission's retention of the ratemaking authority under 202(c) is not inconsistent with the vesting on ERA of authority to order emergency interconnection and wheeling. As specified in the Federal Power Act, the rates and terms of 202(c) emergency service may be prescribed *after* such emergency relief has been ordered. ERA has all necessary authority to provide prompt and adequate relief in an emergency, leaving to subsequent proceedings before the Commission any auxiliary decisions as to compensation or reimbursement.

issues in the expedited hearing in this docket.

The Commission orders:

(A) The Town of Massena's "Motion For Immediate Clarification Of Order Granting Request For Summary Disposition In Part, Denying Request For Summary Disposition In Part And Establishing Expedited Hearing Procedures And For Other Emergency Relief" is denied in its entirety.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-27378 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP71-29 and RP71-120 (Phase II)]

United Gas Pipeline Co.; Motion Denying Motion To Shorten Date for Responses

August 23, 1979.

On August 17, 1979, United Gas Pipeline Company filed a motion to establish procedures for consideration of settlement proposal, petition for waiver of rules and to shorten the time to file responses to the motion. The motion for shortened time states that the 15-day established time period set forth in § 1.12(c) of the Rules of Practice and Procedure (18 CFR 1.12) for responding to motions interferes with the timely expedition of the settlement proceeding. The motion raises a number of issues which will require careful deliberation by the Commission and the participants in this case.

Upon consideration, notice is hereby given that the motion to shorten dates for responses in the above-referenced proceeding is denied. Responses are due on September 4, 1979, pursuant to § 1.12(c) of the Commission's Rules of Practice and Procedure.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27379 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

United Gas Pipe Line Co., et al.; Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

August 24, 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.

Arkansas Oil and Gas Commission

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. 79-15971
2. 03-027-10545
3. 103
4. Art Machin & Associates Inc
5. Bodcaw No. 1 Well
6. Red Rock
7. Columbia, AR
8. 4.0 million cubic feet
9. August 2, 1979
10. United Gas Pipe Line Company

1. 79-15972
2. 03-027-00000
3. 103
4. Art Machin & Associates Inc
5. Bodcaw No 2 Well
6. Red Rock
7. Columbia, AR
8. 4.0 million cubic feet
9. August 2, 1979
10. United Gas Pipe Line Co

1. 79-15973
2. 03-027-10603
3. 103
4. Art Machin & Associates Inc
5. T S Grayson No 1
6. Red Rock
7. Columbia, AR
8. 7.0 million cubic feet
9. August 2, 1979
10. United Gas Pipe Line Co

1. 79-15974
2. 03-027-10651
3. 103
4. Art Machin & Associates Inc
5. T S Grayson No 2
6. Red Rock
7. Columbia, AR
8. 7.0 million cubic feet
9. August 2, 1979
10. United Gas Pipe Line Co

1. 79-15975
2. 03-027-00000
3. 103
4. Art Machin & Associates Inc
5. Reeves Land & Timber Co No 1
6. Red Rock
7. Columbia, AR
8. 3.0 million cubic feet
9. August 2, 1979
10. United Gas Pipe Line Co

1. 79-15976
2. 03-143-10034
3. 103
4. Bi-State Energy Inc
5. E G Bradberry #2
6. Brentwood
7. Washington, AR
8. 30.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-15977
2. 03-143-10033
3. 103
4. Bi-State Energy Inc
5. E G Bradberry #1
6. Brentwood Field
7. Washington, AR
8. 20.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-15978
2. 03-143-10035
3. 103
4. Bi-State Energy Inc
5. E G Bradberry #3
6. Brentwood Field
7. Washington, AR
8. 30.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-015979
2. 03-143-10008
3. 103
4. Bi-State Energy Inc
5. Fred Brown #1
6. Brentwood Field
7. Washington, AR
8. 60.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-15980
2. 03-143-10015
3. 103
4. Bi-State Energy Inc
5. Fred Brown #2
6. Brentwood Field
7. Washington, AR
8. 36.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-15981
2. 03-143-10016
3. 103
4. Bi-State Energy Inc
5. Robert Cole #1
6. Brentwood Field
7. Washington, AR
8. 40.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-15982
2. 03-143-10021-103
3. 103
4. Bi-State Energy Inc
5. C R Haley #1
6. Brentwood Field
7. Washington, AR
8. 15.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-15983
2. 03-143-10025
3. 103
4. Bi-State Energy Inc
5. Arlin Hughes #1
6. Brentwood Field
7. Washington, AR
8. 25.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79-15984
2. 03-143-10031
3. 103
4. Bi-State Energy Inc
5. Darrell Hughes #1
6. Brentwood Field

7. Washington, AR
8. 15.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15985
2. 03–143–10001
3. 103
4. Bi-State Energy Inc
5. Joseph Mayo #1
6. Brentwood Field
7. Washington, AR
8. 12.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15986
2. 03–143–10013
3. 103
4. Bi-State Energy Inc
5. Joseph Mayo #2
6. Brentwood Field
7. Washington, AR
8. 15.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15987
2. 03–143–10012
3. 103
4. Bi-State Energy Inc
5. Walter Moeller #1
6. Brentwood Field
7. Washington, AR
8. 30.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15988
2. 03–143–10019
3. 103
4. Bi-State Energy Inc
5. Marion Ramey #1
6. Brentwood Field
7. Washington, AR
8. 25.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15989
2. 03–143–10011
3. 103
4. Bi-State Energy Inc
5. P M Ramey #1
6. Brentwood Field
7. Washington, AR
8. 28.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15990
2. 03–143–10014
3. 103
4. Bi-State Energy Inc
5. P M Ramey #2
6. Brentwood Field
7. Washington, AR
8. 25.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15991
2. 03–143–10017
3. 103
4. Bi-State Energy Inc
5. Robin Rhodes #1
6. Brentwood Field
7. Washington, AR
8. 50.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15992
2. 03–143–10004
3. 103
4. Bi-State Energy Inc
5. J F Starr #1
6. Brentwood Field
7. Washington, AR
8. 25.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15993
2. 03–143–10007
3. 103
4. Bi-State Energy Inc
5. J F Starr #2
6. Brentwood Field
7. Washington, AR
8. 15.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15994
2. 03–143–10009
3. 103
4. Bi-State Energy Inc
5. Earl Underhill #1
6. Brentwood Field
7. Washington, AR
8. 45.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15995
2. 03–143–10010
3. 103
4. Bi-State Energy Inc
5. Earl Underhill #2
6. Brentwood Field
7. Washington, AR
8. 40.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15996
2. 03–143–10023
3. 103
4. Bi-State Energy Inc
5. Millard Watkins #1
6. Brentwood Field
7. Washington, AR
8. 68.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15997
2. 03–143–10028
3. 108
4. Wytex Production Corporation
5. Grover A Goad #1
6. Brentwood Field
7. Washington County, AR
8. 10.8 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

1. 79–15998
2. 03–143–10029
3. 103
4. Wytex Production Corporation
5. Elmer G Griffith #1
6. Brentwood Field
7. Washington County, AR
8. 36.0 million cubic feet
9. August 2, 1979
10. Arkansas Louisiana Gas Co

Colorado Oil and Gas Conservation Commission

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–15999/78202
2. 05–039–06310
3. 103
4. Champlin Petroleum Company
5. #1 CB Miller 41–5
6. Dead Eye
7. Elbert Co
8. 82.0 million cubic feet
9. August 10, 1979
10.

1. 79–16000/78–210
2. 05–123–09552
3. 103
4. Champlin Petroleum Company
5. #1 Rural Land 41–31
6. Hambert
7. Weld Co
8. 81.0 Million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipeline Co

1. 79–16001/78–233
2. 05–123–09305
3. 103
4. Energy Minerals Corporation
5. Koshio #2
6. Spincle Field
7. Weld County Co
8. 16.0 Million cubic feet
9. August 10, 1979
10. Thomas G Vessels

1. 79–15999/78268
2. 05–123–00000
3. 108
4. Energy Minerals Corporation
5. Shoe #1
6. Roggen Field
7. Weld Co
8. 19.0 Million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16003/78–263
2. 05–123–08831
3. 108
4. Energy Minerals Corporation
5. Klien #1
6. Lost Creek Field
7. Weld Co
8. 13.0 Million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc

1. 79–16004/78–264
2. 05–123–08377
3. 108
4. Energy Minerals Corporation
5. Bixby 42–2
6. Roggen Field
7. Weld County Co
8. 15.0 Million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16005/78–184
2. 05–087–07454
3. 103
4. Crystal Oil Company
5. Holbeck 33–9
6. Mosley
7. Morgan Co
8. 63.0 Million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Co

1. 79–16006/78–185

2. 05–123–09177
3. 103
4. Crystal Oil Company
5. Kulver Moore 31–14
6. Roggen
7. Weld Co
8. 29.0 Million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Co

1. 79–16007/78–183
2. 05–087–07405
3. 103
4. Crystal Oil Company
5. Muir Carlson 1-A
6. Mosley
7. Morgan Co
8. 46.0 Million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Co

1. 79–16008/78–187
2. 05–123–09402
3. 103
4. Crystal Oil Company
5. Oevern State 45–30
6. Roggen
7. Weld Co
8. 144.0 Million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Co

1. 79–16009/78–103
2. 05–123–09323
3. 103
4. Vessels Oil & Gas Company
5. Burkbardt #2
6. Spindle
7. Weld Co
8. .0 Million cubic feet
9. August 10, 1979
10. Vessels Gas processing Ltd

1. 79–16010/78–102
2. 05–123–09500
3. 103
4. Vessels Oil & Gas Company
5. Anderson Trust #1
6. Spindle
7. Weld Co
8. 25.6 Million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd

1. 79–16011/78–251
2. 05–123–09561
3. 103
4. Energy Minerals Corporation
5. Nick #1
6. Roggen Field
7. Weld Co
8. 70.0 Million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16012/78–248
2. 05–123–00000
3. 103 Denied
4. Energy Minerals Corporation
5. Ivan #1
6. Roggen Field
7. Weld County Co
8. 30.0 Million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16013/78–257
2. 05–123–05034
3. 103 Denied
4. Energy Minerals Corporation
5. State 36–1
6. Roggen Field
7. Weld County Co
8. 33.0 Million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc

1. 79–16014/78–227
2. 05–123–09188
3. 103
4. Energy Minerals Corporation
5. Cleveland #6
6. Spindle Field
7. Weld Co
8. 37.0 Million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79–16015/78–226
2. 05–123–09203
3. 103
4. Energy Minerals Corporation
5. Cleveland #5
6. Spindle Field
7. Weld County Co
8. 36.0 Million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79–16016/78–242
2. 05–123–09562
3. 103
4. Energy Minerals Corporation
5. Beth #1
6. Roggen Field
7. Weld County Co
8. 30.0 Million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16017/78–255
2. 05–123–09477
3. 103
4. Energy Minerals Corporation
5. Saya #1
6. Roggen Field
7. Weld County Co
8. 73.0 Million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16018/78–186
2. 05–123–09462
3. 103
4. Crystal Oil Company
5. Cuykendall 34–13
6. Roggen
7. Weld Co
8. 12.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Co

1. 79–16019/78–209
2. 05–123–09435
3. 103
4. Champlin Petroleum Company
5. #2 Ranchero 41–33
6. Spindle
7. Weld Co
8. 178.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipeline Co

1. 79–16020/78–101
2. 05–123–09564
3. 103
4. Vessels Oil & Gas Company
5. ACNO #2
6. Spindle
7. Weld Co
8. .0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Co

1. 79–16021/78–95
2. 05–001–06131
3. 108
4. Vessels Oil & Gas Company
5. Kreitzer No 1
6. Wattenberg
7. Adams Co
8. 10.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–16022/78–105
2. 05–123–09547
3. 103
4. Vessels Oil & Gas Company
5. Harkis #1
6. Wattenberg
7. Weld Co
8. 275.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–16023/78–114
2. 05–123–09548
3. 103
4. Vessels Oil & Gas Company
5. L F Ranches #2–A
6. Wattenberg
7. Weld Co
8. 55.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–16024/78–116
2. 05–123–09239
3. 103
4. Vessels Oil & Gas Company
5. Rasmussen #4–A
6. Spindle
7. Weld Co
8. 14.6 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd

1. 79–16025/78–107
2. 05–123–091628
3. 103
4. Vessels Oil & Gas Company
5. Nelson No 2
6. Spindle
7. Weld Co
8. 14.6 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd

1. 79–16026/78–229
2. 05–123–09180
3. 103
4. Energy Minerals Corporation
5. Cleveland #8
6. Spindle Field
7. Weld County Co
8. 38.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79–16027/78–216
2. 05–045–06141
3. 103
4. Palmer Oil & Gas Company
5. Young #15–2
6. South Canyon
7. Garfield Co
8. 255.0 million cubic feet
9. August 10, 1979
10. Western Slope Gas Company

1. 79–16028/78–237
2. 05–123–09392
3. 103
4. Energy Minerals Corporation
5. Vollmar #2
6. Spindle Field

7. Weld County Co
8. 52.3 million cubic feet
9. August 10, 1979
10. Thomas G. Vessels

1. 79-16029/78-235
2. 05-123-09556
3. 103
4. Energy Minerals Corporation
5. Stanley #7
6. Spindle Field
7. Weld County Co
8. 22.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-16030/78-254
2. 05-123-07050
3. 103 Denied
4. Energy Minerals Corporatin
5. Ray #1
6. Roggen Field
7. Weld County Co
8. 42.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79-16031/78-238
2. 05-123-09218
3. 103
4. Energy Minerals Corporation
5. Vonasek #5
6. Spindle Field
7. Weld County Co
8. 22.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79-16032/78-225
2. 05-123-09557
3. 103
4. Energy Minerals Corporation
5. Brett #3
6. Spindle
7. Weld County Co
8. 34.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79-16033/78-244
2. 05-123-09246
3. 103
4. Energy Minerals Corporation
5. Cooper #1
6. Roggen Field
7. Weld County Co
8. 39.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79-16034/78-245
2. 05-123-09141
3. 103
4. Energy Minerals Corporation
5. Erker #1
6. Roggen Field
7. Weld County Co
8. 56.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79-16035/78-247
2. 05-123-09454
3. 103
4. Energy Minerals Corporation
5. Harold #2
6. Roggen Field
7. Weld County Co
8. 28.0 million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc

1. 79-16036/78-213
2. 05-067-06201
3. 103
4. Rincon Operating Co
5. Berry Gas Unit #1
6. Ignacio Blanco
7. La Plata Co
8. 350.0 million cubic feet
9. August 10, 1979
10. Southwest Gas Corporation, El Paso Natural Gas Co

1. 79-16037/78-222
2. 05-087-07256
3. 108
4. Patrick A. Doheny
5. #1 Peters-Federal Land Bank
6. Tom-Tom
7. Morgan County Co
8. 5.8 million cubic feet
9. August 10, 1979
10. Kansas Nebraska Natural Gas Co Inc

1. 79-16038/78-265
2. 05-123-09293
3. 108
4. Energy Minerals Corporation
5. Cord #1
6. Roggen Field
7. Weld County Co
8. 20.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79-16039/78-271
2. 05-123-00000
3. 108
4. Energy Minerals Corporation
5. Zimbleman #1-B
6. Roggen Field
7. Weld County Co
8. 5.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79-16040/78-266
2. 05-123-09320
3. 108
4. Energy Minerals Corporation
5. Mart #1
6. Roggen Field
7. Weld County Co
8. 17.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79-16041/78-270
2. 05-123-09297
3. 108
4. Energy Minerals Corporation
5. Tora #1
6. Roggen Field
7. Weld County Co
8. 13.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79-16042/78-262
2. 05-123-08671
3. 108
4. Energy Minerals Corporation
5. Wahl #1
6. Kiowa Creek Field
7. Weld County Co
8. 20.0 million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc

1. 79-16043/78-96
2. 05-001-06751
3. 108
4. Vessels Oil & Gas Company
5. Morris-Letterly No. 1
6. Wattenberg
7. Adams Co
8. .0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-16044/78-198
2. 05-103-08099
3. 103
4. Walter S. Fees, Jr
5. Kirby-Eidson #3-33
6. Blue Cloud
7. Rio Blanco Co
8. 75.0 million cubic feet
9. August 10, 1979
10. Northwest Pipeline Corporation

1. 79-16045/78-219
2. 05-123-09298
3. 103
4. Calvin Petroleum Corporation
5. #5 Schneider
6. Spindle
7. Weld Co
8. 18.3 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipeline Company, Thomas G. Vessels

1. 79-16046/78-220
2. 09589
3. 103
4. Calvin Petroleum Corporation
5. #2 Watkins
6. Spindle
7. Weld Co
8. 25.6 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipeline Company, Thomas G. Vessels

1. 79-16047/78-104
2. 09558
3. 103
4. Vessels Oil & Gas Company
5. Hankins #1
6. Spindle
7. Weld Co
8. 109.5 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-16048/78-106
2. 05-123-094549
3. 103
4. Vessels Oil & Gas Company
5. Johnson-James #1
6. Spindle
7. Weld Co
8. 146.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-16049/78-109
2. 05-123-09364
3. 103
4. Vessels Oil & Gas Company
5. Nelson #4
6. Spindle
7. Weld Co
8. 21.9 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd

1. 79-16050/78-108
2. 05-123-09361
3. 103
4. Vessels Oil & Gas Company
5. Nelson #3
6. Spindle
7. Weld Co
8. 11.0 million cubic feet

9. August 10, 1979
10. Vessels Gas Processing Ltd
1. 79-16051/78-110
2. 05-123-09105
3. 103
4. Vessels Oil & Gas Company
5. Oskarson #2
6. Spindle
7. Weld Co
8. 14.6 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd
1. 79-16052/78-111
2. 05-123-09195
3. 103
4. Vessels Oil & Gas Company
5. Oskarson #3
6. Spindle
7. Weld Co
8. 14.6 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd
1. 79-16053/78-112
2. 05-123-09287
3. 103
4. Vessels Oil & Gas Company
5. Oskarson #4
6. Spindle
7. Weld Co
8. 14.6 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd
1. 79-16054/78-113
2. 05-123-09532
3. 103
4. Vessels Oil & Gas Company
5. L F Ranches #1-A
6. Wattenberg
7. Weld Co
8. 55.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company
1. 79-16055/78-115
2. 05-123-09238
3. 103
4. Vessels Oil & Gas Company
5. Rasmussen #3
6. Spindle
7. Weld Co
8. 14.6 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd
1. 79-16056/78-118
2. 05-001-07245
3. 103
4. Vessels Oil & Gas Company
5. Walters No 1-2
6. Sun
7. Adams Co
8. 274.0 million cubic feet
9. August 10, 1979
10. Koch Oil Company
1. 79-16057/78-100
2. 05-123-08041
3. 108
4. Vessels Oil & Gas Company
5. Moser #1
6. Wattemberg
7. Weld Co
8. 18.3 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company
1. 79-16058/78-117
2. 05-123-09244
3. 103
4. Vessels Oil & Gas Company
5. Seltzer No 2-A
6. Spindle
7. Weld, CO
8. 18.3 million cubic feet
9. August 10, 1979
10. Vessels Gas Processing Ltd
1. 79-16059/78-223
2. 05-121-00000
3. 108
4. Patrick A Doheny
5. #3 Fassler
6. Ranchero Field
7. Washington County, CO
8. 12.3 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79-16060/78-261
2. 05-123-08730
3. 108
4. Energy Minerals Corporation
5. Jones #1
6. Kiowa Creek Field
7. Weld County, CO
8. 8.0 million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc
1. 79-16061/78-236
2. 05-123-09559
3. 103
4. Energy Minerals Corporation
5. Tang #1
6. Spindle Field
7. Weld County, CO
8. 17.0 million cubic feet
9. August 10, 1979
10. Thomas G Vessels
1. 79-16062/78-214
2. 05-067-06156
3. 103
4. Rincon Operating Co
5. Clary Gas Unit #1
6. Ignacio Blanco-Mesaverde
7. La Plata, CO
8. 255.0 million cubic feet
9. August 10, 1979
10. Southwest Gas Corporation
1. 79-16063/78-212
2. 05-067-06155
3. 103
4. Rincon Operating Co
5. Rea Gas Unit #1
6. Ignacio Blanco
7. La Plata CO
8. 365.0 million cubic feet
9. August 10, 1979
10. Southwest Gas Corporation
1. 79-16064/78-218
2. 05-123-09622
3. 103
4. Calvin Petroleum Corporation
5. Ditirro #1-A
6. Spindle
7. Weld, CO
8. 21.9 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company
1. 79-16065/78-208
2. 05-123-09434
3. 103
4. Champlin Petroleum Company
5. #1 Ranchero 31-33
6. Spindle
7. Weld, CO
8. 8.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Co
1. 79-16066/78-232
2. 05-123-09137
3. 103
4. Energy Minerals Corporation
5. Koshio #1
6. Spindle Field
7. Weld County, CO
8. 17.0 million cubic feet
9. August 10, 1979
10. Thomas G Vessels
1. 79-16067/78-231
2. 05-123-09316
3. 103
4. Energy Minerals Corporation
5. Dechant-State #6
6. Spindle Field
7. Weld County, CO
8. 24.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company
1. 79-16068/78-230
2. 05-123-09129
3. 103
4. Energy Minerals Corporation
5. Dechant-State #5
6. Spindle Field
7. Weld County, CO
8. 37.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company
1. 79-16069/78-228
2. 05-123-09179
3. 103
4. Energy Minerals Corporation
5. Cleveland #7
6. Spindle Field
7. Weld County, CO
8. 38.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company
1. 79-16070/78-260
2. 05-123-09245
3. 103
4. Energy Minerals Corporation
5. Weld #1
6.
7. Weld, CO
8. 71.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company
1. 79-16071/79-258
2. 05-123-09442
3. 103
4. Energy Minerals Corporation
5. State 36-3
6. Roggen Field
7. Weld County, CO
8. 52.0 million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc
1. 79-16072/78-259
2. 05-123-09265
3. 103
4. Energy Minerals Corporation
5. Vic #1
6. Roggen Field
7. Weld County, CO
8. 26.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company
1. 79-16073/78-256

2. 05–123–09322
3. 103
4. Energy Minerals Corporation
5. Sigg #1
6. Roggen Field
7. Weld County, CO
8. 173.0 million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc

1. 79–16074/78–253
2. 05–123–0945
3. 103
4. Energy Minerals Corporation
5. Prospect #1
6. Roggen Field
7. Weld County, CO
8. 38.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16075/78–250
2. 05–123–09365
3. 103
4. Energy Minerals Corporation
5. Joe #1
6. Roggen Field
7. Weld County, CO
8. 24.0 million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc

1. 79–16076/78–252
2. 05–123–09384
3. 103
4. Energy Minerals Corporation
5. Paul #1
6. Roggen Field
7. Weld County, CO
8. 45.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16077/78–240
2. 05–123–09229
3. 103
4. Energy Minerals Corporation
5. Vonasek #7
6. Spindle Field
7. Weld County, CO
8. 22.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79–16078/78–239
2. 05–123–09219
3. 103
4. Energy Minerals Corporation
5. Vonasek #6
6. Spindle Field
7. Weld County, CO
8. 19.0 million cubic feet
9. August 10, 1979
10. Amoco

1. 79–16079/78–241
2. 05–123–09233
3. 103
4. Energy Minerals Corporation
5. Vonasek #8
6. Spindle Field
7. Weld County, CO
8. 22.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79–16080/78–249
2. 05–123–09413
3. 103
4. Energy Minerals Corporation
5. Jerry #1
6. Roggen Field
7. Weld County, CO
8. 50.0 million cubic feet
9. August 10, 1979
10. Phillips Petroleum Company

1. 79–16081/78–246
2. 05–123–09412
3. 103
4. Energy Minerals Corporation
5. Harold #1
6. Roggen Field
7. Weld County, CO
8. 88.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipeline Company
Crystal Gas Resources Inc

1. 79–16082/78–267
2. 05–123–09138
3. 108
4. Energy Minerals Corporation
5. Sarchet #1
6. Spindle Field
7. Weld County, CO
8. 15.0 million cubic feet
9. August 10, 1979
10. Thomas G. Vessels

1. 79–16083/78–215
2. 05–067–06154
3. 103
4. Rincon Operating Co
5. Maestas Gas Unit #1
6. Ignatio Blanco
7. La Plata, CO
8. 365.0 million cubic feet
9. August 10, 1979
10. Southwest Gas Corporation

1. 79–16084/78–224
2. 05–121–08801
3. 108
4. Patrick A. Doheny
5. #1A Shook
6. Warpaint
7. Washington County, CO
8. 14.0 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–16085/78–221
2. 05–087–07048
3. 108
4. Patrick A. Doheny
5. #1 Christensen
6. Tom-Tom
7. Morgan County, CO
8. 14.4 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–16086/78–199
2. 05–067–06097
3. 108
4. Kimbark Operating Co
5. Penrose #1
6. Ignacio-Blanco
7. La Plata, CO
8. 10.0 million cubic feet
9. August 10, 1979
10. Southwest Gas Corporation

1. 79–16087/78–175
2. 05–001–06424
3. 108
4. Arthur M. Guida
5. Monaghan No. 1
6. Third Creek Field
7. Adams, CO
8. 12.0 million cubic feet
9. August 10, 1979
10. Koch Oil Company

1. 79–16088/78–243
2. 05–123–09495
3. 103
4. Energy Minerals Corporation
5. Clem #1
6. Roggen Field
7. Weld County, CO
8. 55.0 million cubic feet
9. August 10, 1979
10. Crystal Gas Resources Inc

1. 79–16089/78–217
2. 05–075–08687
3. 102
4. Burlington Northern Inc
5. 33–32 State
6. Stampede
7. Logan, CO
8. 120.0 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–16090/79–203
2. 05–039–06275
3. 103
4. Champlin Petroleum Company
5. #1 Neira 31–23
6. Comanche Creek
7. Elbert, CO
8. 56.0 million cubic feet
9. August 10, 1979
10. Sun Oil Company

1. 79–16091/78–201
2. 05–039–06286
3. 103
4. Champlin Petroleum Company
5. #1A Gordon 13–19
6. Comanche Creek
7. Elbert, CO
8. 91.0 million cubic feet
9. August 10, 1979
10. Sun Oil Company

1. 79–16092/78–206
2. 05–039–06283
3. 103
4. Champlin Petroleum Company
5. #5 Whitehead 31–17
6. Comanche Creek
7. Elbert, CO
8. 18.0 million cubic feet
9. August 10, 1979
10. Sun Oil Company

1. 79–16093/78–234
2. 05–123–09317
3. 103
4. Energy Minerals Corporation
5. Stanley #5
6. Spindle Field
7. Weld County, CO
8. 22.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–16094/78–99
2. 05–123–07258
3. 108
4. Vessels Oil & Gas Company
5. Melbon Ranch No. 1
6. Wattenberg
7. Weld, CO
8. 11.0 million cubic feet
9. August 10, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–16095/78–204
2. 05–039–06288
3. 103
4. Champlin Petroleum Company
5. #2 Neira 42–23

6. Comanche Creek
7. Elbert, CO
8. 19.0 million cubic feet
9. August 10, 1979
10. Sun Oil Company

1. 79–16096/78–200
2. 05–005–06791
3. 103
4. Champlin Petroleum Company
5. #1 Miller 31–31
6. Chinook
7. Arapahoe, CO
8. 133.0 million cubic feet
9. August 10, 1979
10. Sun Oil Company

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–15925
2. 30–015–22605
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–312
6. Empire-ABO pool
7. Eddy County, NM
8. 58.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15926
2. 30–015–22750
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–251
6. Empire-ABO pool
7. Eddy County, NM
8. 100.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15927
2. 30–015–22226
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–333
6. Empire-ABO pool
7. Eddy County, NM
8. 73.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15928
2. 30–015–22767
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–335
6. Empire ABO
7. Eddy, NM
8. 38.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15929
2. 30–015–22765
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E–383
6. Empire ABO
7. Eddy, NM
8. 89.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15930
2. 30–015–22138
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–381
6. Empire-ABO pool
7. Eddy, NM
8. 33.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15931
2. 30–015–22697
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–261
6. Empire-ABO pool
7. Eddy County, NM
8. 16.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15932
2. 30–015–22526
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–272
6. Empire-ABO pool
7. Eddy County, NM
8. 45.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15933
2. 30–015–22633
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–295
6. Empire-ABO pool
7. Eddy County, NM
8. 70.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15934
2. 30–015–22632
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–294
6. Empire-ABO pool
7. Eddy County, NM
8. 56.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15935
2. 30–015–22768
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–374
6. Empire ABO
7. Eddy, NM
8. 79.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15936
2. 30–015–22417
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–321
6. Empire-ABO pool
7. Eddy County, NM
8. 971.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15937
2. 30–015–22415
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–323
6. Empire-ABO pool
7. Eddy County, NM
8. 96.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15938
2. 30–015–22523
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E–351
6. Empire-ABO pool
7. Eddy County, NM
8. 197.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15939
2. 30–015–22416
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–332
6. Empire-ABO pool
7. Eddy County, NM
8. 217.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 79–15940
2. 30–015–22123
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–351
6. Empire-ABO Pool
7. Eddy County NM
8. 77.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15941
2. 30–015–22487
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E–361
6. Empire-ABO Pool
7. Eddy County NM NM
8. 47.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15942
2. 30–015–22124
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–311
6. Empire-ABO Pool
7. Eddy County NM
8. 146.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15943
2. 30–015–22524
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–321
6. Empire-ABO Pool
7. Eddy County NM
8. 93.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15944
2. 30–015–22604
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–302
6. Empire-ABO Pool
7. Eddy County NM
8. 22.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15945
2. 30–015–22631
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit G–333
6. Empire-ABO Pool
7. Eddy County NM
8. 33.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15946
2. 30–015–22011
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–281
6. Empire-ABO Pool
7. Eddy County NM
8. 43.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15947
2. 30–015–22488
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–273
6. Empire-ABO Pool
7. Eddy County NM
8. 31.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15948
2. 30–015–22490
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit J–233
6. Empire-ABO Pool
7. Eddy County NM
8. 561.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15949
2. 30–015–22491
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit K–231
6. Empire-ABO Pool
7. Eddy County NM
8. 440.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15950
2. 30–015–22606
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–283
6. Empire-ABO Pool
7. Eddy County NM
8. 29.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15951
2. 30–015–22489
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–282
6. Empire-ABO Pool
7. Eddy County NM
8. 33.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15952
2. 30–015–22609
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit L–143
6. Empire-ABO Pool
7. Eddy County NM
8. 59.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15953
2. 30–015–22629
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–353
6. Empire-ABO Pool
7. Eddy County NM
8. 40.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15954
2. 30–015–22607
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit I–291
6. Empire-ABO Pool
7. Eddy County NM
8. 73.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15955
2. 30–025–21651
3. 108 Denied
4. Phillips Petroleum Company
5. Ev Gesa Un 0524 No 112
6. Vacuum Grayburg/San Andres
7. Lea NM
8. .4 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15956
2. 30–025–25088
3. 108
4. Phillips Petroleum Company
5. Woolworth CD No 18
6. Jalmat Yates/Seven Rivers
7. Lea NM
8. 20.4 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15957
2. 30–015–22051
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit K–141
6. Empire-ABO Pool
7. Eddy County NM
8. 88.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15958
2. 30–015–22594
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–322
6. Empire-ABO Pool
7. Eddy County MN
8. 1052.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15959
2. 30–015–22015
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit L–153
6. Empire-ABO Pool
7. Eddy County MN
8. 700.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15960
2. 30–015–22137
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–372
6. Empire-ABO Pool
7. Eddy County MN
8. 39.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15961
2. 30–015–22669
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit L–154
6. Empire-ABO Pool
7. Eddy County MN
8. 108.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15962
2. 30–015–22464
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–301
6. Empire-ABO Pool
7. Eddy County MN
8. 183.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15963
2. 30–015–22010
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–293
6. Empire-ABO Pool
7. Eddy County MN

8. 542.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15964
2. 30–015–22050
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit H–292
6. Empire-ABO Pool
7. Eddy County MN
8. 37.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15965
2. 30–015–22593
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit J–234
6. Empire-ABO Pool
7. Eddy County MN
8. 30.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15966
2. 30–015–22462
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E–373
6. Empire-ABO Pool
7. Eddy County MN
8. 120.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15967
2. 30–015–22203
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E–372
6. Empire-ABO Pool
7. Eddy County MN
8. 107.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15968
2. 30–015–22486
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit E–341
6. Empire-ABO Pool
7. Eddy County MN
8. 448.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15969
2. 30–015–22227
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–341
6. Empire-ABO Pool
7. Eddy County MN
8. 61.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–15970
2. 30–015–22628
3. 103
4. Arco Oil and Gas Company
5. Empire ABO Unit F–352
6. Empire-ABO Pool
7. Eddy County MN
8. 44.0 million cubic feet
9. August 9, 1979
10. Amoco Production Company Phillips Petroleum Co

1. 79–00592 Revised
2. 30–025–25956–0000–0
3. 102 103
4. Coquina Oil Corporation
5. Alexander #1
6. Antelope Ridge
7. Lea, NM
8. 730.0 million cubic feet
9. March 2, 1979
10. El Paso Natural Gas Co

Ohio Department of Natural Resources, Division of Oil and Gas

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. 79–15700/01446
2. 34–005–20006–0014
3. 108
4. Petro-Lewis Corporation
5. Windsor Ford #4
6.
7. Geauga, OH
8. 3.5 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15701/01447
2. 34–055–20067–0014
3. 108
4. Petro-Lewis Corporation
5. Windsor Ford #3
6.
7. Geauga, OH
8. 3.5 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15702/01600
2. 34–115–20081–0014
3. 108
4. Joseph J. Mihelic
5. Boileau #1
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15703/01601
2. 34–115–00654–0014
3. 108
4. Joseph J. Mihelic
5. Smith #4
6.
7. Morgan, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15704/01602
2. 34–009–21128–0014
3. 108
4. Joseph J. Mihelic
5. Bryson #2
6.
7. Athens, OH
8. .4 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15705/01603
2. 34–115–00648–0014
3. 108
4. Joseph J. Mihelic
5. Boileau #2
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15706/01604
2. 34–115–20807–0014
3. 108
4. Joseph J. Mihelic
5. Glass #2
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15707/01605
2. 34–115–006530014–
3. 108
4. Joseph J. Mihelic
5. Smith #3
6.
7. Morgan, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15708/01607
2. 34–115–00652–0014
3. 108
4. Joseph J. Mihelic
5. Smith #3
6.
7. Morgan, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15709/01608
2. 34–009–20226–0014
3. 108
4. Joseph J. Mihelic
5. Bryson #1
6.
7. Athens, OH
8. .4 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15710/01609
2. 34–115–00651–0014
3. 108
4. Joseph J. Mihelic
5. Smith #1
6.
7. Morgan, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15711/01612
2. 34–115–20819–0014
3. 108
4. Joseph J. Mihelic
5. Glass #1
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15712/01613

2. 34–009–21180–0014
3. 108
4. Joseph J. Mihelic
5. Linscott #1
6.
7. Athens, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15713/01614
2. 34–115–00646–0014
3. 108
4. Joseph J. Mihelic
5. Embree #2
6.
7. Morgan, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15714/01615
2. 34–009–20280–0014
3. 108
4. Joseph J. Mihelic
5. Howard #1
6.
7. Athens, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15715/01616
2. 34–115–20209–0014
3. 108
4. Joseph J. Mihelic
5. Dale #1
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15716/01617
2. 34–009–21081–0014
3. 108
4. Joseph J. Mihelic
5. Edgar Keirns #2
6.
7. Athens, OH
8. 1.3 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15717/01618
2. 34–009–20397–0014
3. 108
4. Joseph J. Mihelic
5. Howard #2
6.
7. Athens, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15718/01619
2. 34–115–00665–0014
3. 108
4. Joseph J. Mihelic
5. J Janes #2
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Tran Corp

1. 79–15719/01621
2. 34–009–20717–0014
3. 108
4. Joseph J. Mihelic
5. Phillips #1
6.
7. Athens, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15720/01622
2. 34–009–00455–0014
3. 108
4. Joseph J. Mihelic
5. Phillips #2
6.
7. Athens, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15721/01623
2. 34–115–00669–0014
3. 108
4. Joseph J. Mihelic
5. McDaniel #3
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15722/01624
2. 34–115–00667–0014
3. 108
4. Joseph J. Mihelic
5. McDaniel #1
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15723/01625
2. 34–115–00461–0014
3. 108
4. Joseph J. Mihelic
5. George Janes #2
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15724/01626
2. 34–115–00664–0014
3. 108
4. Joseph J. Mihelic
5. George Janes #4
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15725/01627
2. 34–115–00663–0014
3. 108
4. Joseph J. Mihelic
5. George Janes #3
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15726/01628
2. 34–115–00641–0014
3. 108
4. Joseph J. Mihelic
5. Kennard #1
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15727/01629
2. 34–115–00642–0014
3. 108
4. Joseph J. Mihelic
5. Kennard #2
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15728/01630
2. 34–115–00671–0014
3. 108
4. Joseph J. Mihelic
5. Harper #2
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15729/01631
2. 34–115–20685–0014
3. 108
4. Joseph J. Mihelic
5. Mosier-Grimes #1
6.
7. Morgan, OH
8. .4 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15730/01632
2. 34–115–20682–0014
3. 108
4. Joseph J. Mihelic
5. Mosier-Grimes #2
6.
7. Morgan, OH
8. .4 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15731/01633
2. 34–115–00657–0014
3. 108
4. Joseph J. Mihelic
5. Devore #1
6.
7. Morgan, OH
8. .3 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15732/01633
2. 34–115–00658–0014
3. 108
4. Joseph J. Mihelic
5. Devore #2
6.
7. Morgan, OH
8. .3 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15733/01634
2. 34–115–00655–0014
3. 108
4. Joseph J. Mihelic
5. Clare Strode #1
6.
7. Morgan, OH
8. 1.7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp

1. 79–15734/01635
2. 34–115–00458–0014
3. 108
4. Joseph J. Mihelic
5. Dawson #2
6.

7. Morgan, OH
8. 1.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp
1. 79–15735/01636
2. 34–115–00656–0014
3. 108
4. Joseph J. Mihelic
5. Clare Strode #2
6.
7. Morgan, OH
8. 1.7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp
1. 79–15736/01637
2. 34–115–20102–0014
3. 108
4. Joseph J. Mihelic
5. Dougan #1
6.
7. Morgan, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp
1. 79–15737/01638
2. 34–009–20142–0014
3. 108
4. Joseph J. Mihelic
5. Loeffler #2
6.
7. Athens, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp
1. 79–15738/01638
2. 34–009–20188–0014
3. 108
4. Joseph J. Mihelic
5. Keirns #2
6.
7. Athens, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans Corp
1. 79–15739/01640
2. 34–009–20202–0014
3. 108
4. Joseph J. Mihelic
5. Linscott #1
6.
7. Athens, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15740/01645
2. 34–009–00784–0014
3. 108
4. Joseph J. Mihelic
5. Dean—#1
6.
7. Athens, OH
8. .4 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15741/01647
2. 34–009–00788–0014
3. 108
4. Joseph J. Mihelic
5. Green—#1
6.
7. Athens, OH
8. .3 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15742/01648
2. 34–009–00789–0014
3. 108
4. Joseph J. Mihelic
5. Green—#2
6.
7. Athens, OH
8. .3 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15743/01649
2. 34–115–20690–0014
3. 108
4. Joseph J. Mihelic
5. Mosier—Grimes #4
6.
7. Morgan, OH
8. .4 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15744/01650
2. 34–009–00795–0014
3. 108
4. Joseph J. Mihelic
5. Calhoun—#2
6.
7. Athens, OH
8. .6 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15745/01655
2. 34–115–00668–0014
3. 108
4. Joseph J. Mihelic
5. McDaniel #2
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15746/01656
2. 34–115–00666–0014
3. 108
4. Joseph J. Mihelic
5. J. Janes #3
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15747/01657
2. 34–009–21318–0014
3. 108
4. Joseph J. Mihelic
5. Kasler #2
6.
7. Athens, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15748/01658
2. 34–115–00670–0014
3. 108
4. Joseph J. Mihelic
5. Harper #1
6.
7. Morgan, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15749/01659
2. 34–115–00647–0014
3. 108
4. Joseph J. Mihelic
5. Embree #3
6.
7. Morgan, OH
8. .5 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15750/01660
2. 34–009–20452–0014
3. 108
4. Joseph J. Mihelic
5. Sugar Creek #2
6.
7. Athens, OH
8. .7 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15751/01661
2. 34–009–21320–0014
3. 108
4. Joseph J. Mihelic
5. Edgar Keirns—#3
6.
7. Athens, OH
8. 1.2 million cubic feet
9. August 8, 1979
10. Columbia Gas Trans. Corp.
1. 79–15752/01714
2. 34–103–21430–0014
3. 108
4. Royalton Gas and Oil Co.
5. Gavlak #1
6.
7. Medina, OH
8. .8 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.
1. 79–15753/01715
2. 34–103–21270–0014
3. 108
4. Royalton Gas and Oil Co.
5. Quintus #2
6.
7. Medina, OH
8. 1.2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.
1. 79–15754/01716
2. 34–103–20653–0014
3. 108
4. Royalton Gas and Oil Co.
5. Quintus #1
6.
7. Medina, OH
8. 1.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.
1. 79–15755/01717
2. 34–103–21404–0014
3. 108
4. Royalton Gas and Oil Co.
5. Neumeyer #2
6.
7. Medina, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.
1. 79–15756/01723
2. 34–103–21424–0014
3. 108
4. Royalton Gas and Oil Co.
5. Mayer #1
6.
7. Medina, OH
8. 1.6 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.
1. 79–15757/01725

2. 34–103–21366–0014
3. 108
4. Royalton Gas and Oil Co.
5. Royalton Gas and Oil Co. #1
6.
7. Medina, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.

1. 79–15758/01724
2. 34–103–21515–0014
3. 108
4. Royalton Gas and Oil Co.
5. Royalton Gas and Oil Co. #2
6.
7. Medina, OH
8. .2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp.

1. 79–15759/01726
2. 34–103–21413–0014
3. 108
4. Royalton Gas and Oil Co
5. Kerwin #2
6.
7. Medina OH
8. .8 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15760/01727
2. 34–103–21321–0014
3. 108
4. Royalton Gas and Oil Co
5. Kerwin #1
6.
7. Medina OH
8. 1.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15761/01728
2. 34–103–21505–0014
3. 108
4. Royalton Gas and Oil Co
5. Lockwood #2
6.
7. Medina OH
8. 1.7 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15762/01729
2. 34–103–21315–0014
3. 108
4. Royalton Gas and Oil Co
5. Lockwood #1
6.
7. Medina OH
8. 1.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15763/01730
2. 34–103–21376–0014
3. 108
4. Royalton Gas and Oil Co
5. Neumeyer #1
6.
7. Medina OH
8. .3 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15764/01802
2. 34–093–00003–0014
3. 108
4. Royalton Gas and Oil Co
5. Pryce #1
6.
7. Lorain OH
8. 1.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15765/01803
2. 34–103–21303–0014
3. 108
4. Royalton Gas and Oil Co
5. Cieslik #1
6.
7. Medina OH
8. 1.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15766/02078
2. 34–055–20065–0014
3. 108
4. Petro-Lewis Corporation
5. Adams-Miller #1
6.
7. Geauga OH
8. 2.4 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15767/02079
2. 34–055–20077–0014
3. 108
4. Petro-Lewis Corporation
5. Bender #1
6.
7. Geauga OH
8. 1.1 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15768/02080
2. 34–055–20076–0014
3. 108
4. Petro-Lewis Corportation
5. Bontrager #1
6.
7. Geauga OH
8. 2.1 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15769/02081
2. 34–055–20063–0014
3. 108
4. Petro-Lewis Corporation
5. Windsor Ford #1
6.
7. Geauga OH
8. 8.4 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15770/02085
2. 34–055–20064–0014
3. 108
4. Petro-Lewis Corporation
5. Windsor Ford #2
6.
7. Geauga OH
8. 8.4 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15771/02086
2. 34–055–20059–0014
3. 108
4. Petro/Lewis Corporation
5. V Gingerich unit #1
6.
7. Geauga OH
8. 4.2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15772/02159
2. 34–055–20107–0014
3. 108
4. Petro-Lewis Corporation
5. Windsor Ford #7
6.
7. Geauga OH
8. 7.2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15773/02163
2. 34–055–20061–0014
3. 108
4. Petro-Lewis Corporation
5. Mast #1 E J
6.
7. Geauga OH
8. 4.2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15774/02165
2. 34–055–20051–0014
3. 108
4. Petro/Lewis Corporation
5. Rosengreen #1
6.
7. Geauga OH
8. 5.1 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15775/02652
2. 34–055–20062–0014
3. 108
4. Petro-Lewis Corporation
5.Yoder #1 Dan
6.
7. Geauga OH
8. 6.1 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1.79–15776/04145
2. 34–157–21913–0014
3. 108
4. The Mutual Oil & Gas Company
5. M Page #1
6.
7. Tuscarawas OH
8. 14.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company

1. 79–15777/04146
2. 34–157–21822–0014
3. 108
4. The Mutual Oil & Gas Company
5. Arthur Page #3
6.
7. Tuscarawas OH
8. 15.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company

1. 79–15778/04147
2. 34–157–22008–0014
3. 108
4. The Mutual Oil & Gas Company
5. W Parker #2
6.
7. Tuscarawas OH
8. 11.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company

1. 79–15779/04148
2. 34–157–22007–0014
3. 108
4. The Mutual Oil & Gas Company
5. W Parker #1
6.

7. Tuscarawas, OH
8. 11.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15780/04149
2. 34–157–21800–0014
3. 108
4. The Mutual Oil & Gas Company
5. Arthur R Page #2
6.
7. Tuscarawas, OH
8. 15.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15781/04150
2. 34–157–20986–0014
3. 108
4. The Mutual Oil & Gas Company
5. Penrod Community #2
6.
7. Tuscarawas, OH
8. 12.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15782/04152
2. 34–157–21953–0014
3. 108
4. The Mutual Oil & Gas Company
5. Willard Liggett #4
6.
7. Tuscarawas, OH
8. 12.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15783/04153
2. 34–157–21954–0014
3. 108
4. The Mutual Oil & Gas Company
5. Willard Liggett #3
6.
7. Tuscarawas, OH
8. 12.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15784/04154
2. 34–157–21952–0014
3. 108
4. The Mutual Oil & Gas Company
5. Willard Liggett #2
6.
7. Tuscarawas, OH
8. 12.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15785/04155
2. 34–157–21950–0014
3. 108
4. The Mutual Oil & Gas Company
5. James McCullough #2
6.
7. Tuscarawas, OH
8. 3.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15786/04156
2. 34–157–21233–0014
3. 108
4. The Mutual Oil & Gas Company
5. Arthur Monte #1
6.
7. Tuscarawas, OH
8. 10.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15787/04157
2. 34–157–22443–0014
3. 108
4. The Mutual Oil & Gas Company
5. Alpha & Vida Moreland #B–1
6.
7. Tuscarawas, OH
8. 1.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15788/04160
2. 34–157–22130–0014
3. 108
4. The Mutual Oil & Gas Company
5. Meissner-Bond Unit #1
6.
7. Tuscarawas, OH
8. 9.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15789/04161
2. 34–157–21918–0014
3. 108
4. The Mutual Oil & Gas Company
5. G Meissner #1
6.
7. Tuscarawas, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15790/04162
2. 34–157–22033–0014
3. 108
4. The Mutual Oil & Gas Company
5. J Masten #1
6.
7. Tuscarawas, OH
8. 9.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15791/04163
2. 34–157–21716–0014
3. 108
4. The Mutual Oil & Gas Company
5. Oscar A Lint #1
6.
7. Tuscarawas, OH
8. 16.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15792/04164
2. 34–157–21844–0014
3. 108
4. The Mutual Oil & Gas Company
5. O Lint #2
6.
7. Tuscarawas, OH
8. 15.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15793/04165
2. 34–157–20976–0014
3. 108
4. The Mutual Oil & Gas Company
5. Edward T Metzger #1
6.
7. Tuscarawas, OH
8. 6.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15794/04166
2. 34–157–21314–0014
3. 108
4. The Mutual Oil & Gas Company
5. K Myers #1
6.
7. Tuscarawas, OH
8. 4.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15795/04167
2. 34–157–21327–0014
3. 108
4. The Mutual Oil & Gas Company
5. K Myers #2
6.
7. Tuscarawas, OH
8. 11.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15796/04168
2. 34–157–21687–0014
3. 108
4. The Mutual Oil & Gas Company
5. L B Rasi #1
6.
7. Tuscarawas, OH
8. 6.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15797/04345
2. 34–157–21608–0014
3. 108
4. The Mutual Oil & Gas Company
5. Robt H Williamson #1
6.
7. Tuscarawas, OH
8. 11.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15798/04346
2. 34–157–21109–0014
3. 108
4. The Mutual Oil & Gas Company
5. M Tschudy #1
6.
7. Tuscarawas, OH
8. 8.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15799/04347
2. 34–157–21112–0014
3. 108
4. The Mutual Oil & Gas Company
5. F Reichman #1
6.
7. Tuscarawas OH
8. 9.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15800–/04348
2. 34–157–21951–0014
3. 108
4. The Mutual Oil & Gas Company
5. Robert Stocker #1
6.
7. Tuscarawas OH
8. 16.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15801/04349
2. 34–157–21819–0014
3. 108
4. The Mutual Oil & Gas Company
5. Ry Barczyk #1
6.
7. Tuscarawas OH
8. 8.0 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company
1. 79–15802/04847

2. 34–155–20773–0014
3. 102
4. Ohio Oil and Gas
5. Craver #1
6.
7. Trumbull OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15803/04849
2. 34–155–21099–0014
3. 102
4. Ohio Oil and Gas
5. Hall #1
6.
7. Trumbull OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15804/05191
2. 34–155–21131–0014
3. 102
4. Ohio Oil and Gas
5. Schwartz #
6.
7. Trumbull OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15805/05192
2. 34–155–21102–0014
3. 102
4. Ohio Oil and Gas
5. Schwartz #2
6.
7. Trumbull OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15806/05194
2. 34–155–21127–0014
3. 102
4. Ohio Oil and Gas
5. Rausch #1
6.
7. Trumbull OH
8. 25.0 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission Corp

1. 79–15807/05398
2. 34–133–20055–0014
3. 108
4. Bert Fields Jr
5. J W Arnette No 1
6. Ravenna (Clinton Sands)
7. Portage OH
8. .7 million cubic feet
9. August 8, 1979
10. The East Ohio Gas Company

1. 79–15808/05399
2. 34–167–22634–0014
3. 108
4. Phillip H Brown Jr
5. Jack Camp/Charles Allen #1
6.
7. Washington OH
8. 2.2 million cubic feet
9. August 8, 1979
10. Columbia Gas Transmission

1. 79–15809/05865
2. 34–119–24596–0014
3. 103
4. Williston Oil & Development Corp
5. Barnhouse #3
6.
7. Muskingum OH
8. .0 million cubic feet
9. August 8, 1979
10.

1. 79–15810/05868
2. 34–119–24474–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #14
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15811/05869
2. 34–119–24469–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #19
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15812/05870
2. 34–119–24470–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #18
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15813/05871
2. 34–119–24471–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #17
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15814/05872
2. 34–119–24467–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #21
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15815/05873
2. 34–119–24517–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #40
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15816/05874
2. 34–119–24468–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #20
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15817/05875
2. 34–119–24303–0014
3. 103
4. Williston Oil & Development Corp
5. Frame-Sutton #20
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15818/05876
2. 34–119–24394–0014
3. 103
4. Williston Oil & Development Corp
5. Frame Mitchell #1
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15819/05877
2. 34–119–23040–0014
3. 103
4. Williston Oil & Development Corp
5. Walter Sutton Lease #1
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15820/05878
2. 34–119–24483–0014
3. 103
4. Williston Oil & Development Corp
5. Mitchell #4
6.
7. Muskingum OH
8. .0 million cubic feet
9. August 8, 1979
10.

1. 79–15821/05879
2. 34–119–24373–0014
3. 103
4. Williston Oil & Development Corp
5. Ren Lyons #1
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15822/05880
2. 34–119–24634–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #7
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15823/05881
2. 34–119–24631–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #5
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15824/05882
2. 34–119–24393–0014
3. 103
4. Williston Oil & Development Corp
5. R J Mitchell #5
6.

7. Muskingum OH
8. .0 million cubic feet
9. August 8, 1979
10.

1. 79–15825/05883
2. 34–119–24630–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #6
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15826/05884
2. 34–119–24644–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #8
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15827/05885
2. 34–119–24643–0014
3. 103
4. Williston Oil & Development Corp
5. Betz #2
6.
7. Muskingum OH
8. .0 million cubic feet
9. August 8, 1979
10.

1. 79–15828/05886
2. 34–119–24636–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #49
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15829/05887
2. 34–119–24639–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #50
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15830/05888
2. 34–119–24418–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #3
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15831/05889
2. 34–119–24431–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #7
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15832/05890
2. 34–119–24439–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #8
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15833/05891
2. 34–119–24440–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #6
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15834/05892
2. 34–119–24635–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #48
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15835/05893
2. 34–119–24584–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #1
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15836/05894
2. 34–119–24578–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #2
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15837/05895
2. 34–119–24374–0014
3. 103
4. Williston Oil & Development Corp
5. Ren Lyons #3
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15838/05896
2. 34–119–24536–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #42
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15839/05897
2. 34–119–24515–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #43
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15840/05898
2. 34–119–24532–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #44
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15841/05899
2. 34–119–24531–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #45
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15842/05900
2. 34–119–24641–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #46
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15843/05901
2. 34–119–24576–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #3
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15844/05902
2. 34–119–24580–0014
3. 103
4. Williston Oil & Development Corp
5. Moore et al #4
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15845/05903
2. 34–119–24491–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #22
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15846/05904
2. 34–119–24492–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #23
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15847/05905

2. 34–119–24493–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #25
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15848/05906
2. 34–119–24494–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #24
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15849/05907
2. 34–119–24495–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #27
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15850/05908
2. 34–119–24498–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #26
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15851/05909
2. 34–119–24504–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #28
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15852/05910
2. 34–119–24524–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #29
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15853/05911
2. 34–119–24525–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #32
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15854/05912
2. 34–119–24472–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #16
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15855/05913
2. 34–119–24526–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #31
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15856/05914
2. 34–119–24527–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #30
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15857/05915
2. 34–119–24441–0014
3. 103
4. Williston Oil & Development Corp
5. Williston Oil #9
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.
10.

1. 79–15858/05916
2. 34–119–24372–0014
3.
4. Williston Oil & Development Corp
5. Ren Lyons #4
6.
7. Muskingum OH
8. 14.6 million cubic feet
9. August 8, 1979.

1. 79–15859/05917
2. 34–119–24391–0014
3. 103
4. Williston Oil & Development Corp
5. Ren Lyons #5
6.
7. Muskingum, OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15860/05918
2. 34–119–24392–0014
3. 103
4. Williston Oil & Development Corp
5. Ren Lyons #2
6.
7. Muskingum, OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15861/05919
2. 34–119–24463–0014
3. 103
4. Williston Oil & Development Corp
5. R C Mitchell #1
6.
7. Muskingum, OH
8. 14.6 million cubic feet
9. August 8, 1979
10.

1. 79–15862/05920
2. 34–119–24699–0014
3. 103
4. Willision Oil & Development Corp
5. Betz #6
6.
7. Muskingum, OH
8. .0 million cubic feet
9. August 8, 1979
10.

Texas Railroad Commission Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date recieved at FERC
10. Purchaser(s)

1. 79–16114/03671
2. 42–295–30482
3. 103
4. Gulf Oil Corporation
5. Henry J Meier #2
6. Bradford
7. Lipcomb
8. 476.0 million cubic feet
9. July 31, 1979
10. Transwestern Pipeline Co

1. 79–03672 Revised
2. 42–247–30822
3. 102 103
4. Exxon Corporation
5. Nicefaro Pena Well No. 9–F
6. Kelsey Deep (Zone 20–A SW III)
7. Jim Hogg, TX
8. 50.0 million cubic feet
9. May 2, 1979
10. Trunkline Gas Co.

1. 79–03673 Revised
2. 420–247–30806
3. 102 103
4. Exxon Corporation
5. Mrs. A.M.K. Bass #35–C
6. Kelsey Deep (Zone 18-A, W)
7. Jim Hogg, TX
8. 300.0 million cubic feet
9. May 2, 1979
10. Trunkline Gas Co.

1. 79–03699 Revised
2. 42–261–30233
3. 102 103
4. Exxon Corporation
5. Mrs S. K. East #86–F
6. Rita (8–A, II)
7. Kenedy, TX
8. 146.0 million cubic feet
9. May 2, 1979
10. Natural Gas Pipeline Co.

1. 79–04962 Revised
2. 42–261–30233
3. 102 103
4. Exxon Corporation
5. Mrs S. K. East #86–D
6. Rita (7–E, II)
7. Kenedy, TX
8. 183.0 million cubic feet
9. May 2, 1979
10. Natural Gas Pipeline Co.

1. Contorl Number (FERC/State)
2. API well number
3. Section of NGPA

4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date recieved at FERC
10. Purchaser(s)

1. 79–16113
2. 47–083–00189
3. 108
4. Allegheny Land & Mineral Co
5. A–649
6. Roaring Creek
7. Randolph
8. 14.7 million cubic feet
9. July 30, 1979
10. Columbia Gas Transmission Corp

United States Geological Survey, Albuquerque, N. Mex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79–15905/COA–1857–79
2. 05–067–05310–0000–0
3. 108
4. E L Fundingsland
5. Sunical 7–D
6. Ignacio Blanco Dakota
7. La Plata CO
8. 12.0 million cubic feet
9. August 9, 1979
10. Northwest Pipeline Corp

1. 79–15863/NM 1504–79
2. 30–039–05801–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 67 #10
6. Basin-Dakota Gas
7. Rio Arriba NM
8. 9.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15864/NM 1503–79
2. 30–039–05831–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #8
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.6 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15865/NM 1475–79
2. 30–039–06368–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #7
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–15866/NM 1474–79
2. 30–039–05613–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #7
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–15867/NM 1473–79
2. 30–045–20918–0000–0
3. 108
4. El Paso Natural Gas Company
5. Hardie E 7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 13.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15868/NM 1472–79
2. 30–045–20888–0000–0
3. 108
4. El Paso Natural Gas Company
5. Case 14
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 8.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15869/NM 1470–79
2. 30–039–06284–0000–0
3. 108
4. El Paso Natural Gas Company
5. Saunders 1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 9.1 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15870/NM 1471–79
2. 30–039–60045–0000–0
3. 108
4. El Paso Natural Gas Company
5. Foster 2
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.5 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15871/NM 1469–79
2. 30–039–20733–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27–4 Unit #61
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 14.2 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15872/NM 1467–79
2. 30–039–05605–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #60
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.1 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15873/NM 1465–79
2. 30–039–06430–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla J #2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–15874/NM 1466–79
2. 30–039–20878–0000–0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28–5 Unit #95
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.3 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15875/NM 1463–79
2. 30–045–06028–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #66
6. Kutz West-Pictured Cliffs Gas
7. San Juan NM
8. 4.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15876/NM 1461–79
2. 30–039–05888–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15877/NM 1462–79
2. 30–039–06035–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #14
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15878/NM 1459–79
2. 30–045–06397–0000–0
3. 108
4. El Paso Natural Gas Company
5. Schwerdtfeger A 16
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 10.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15879/NM 1460–79
2. 30–039–05585–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba County NM
8. 1.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79–15880/NM 1458–79
2. 30–045–07439–0000–0
3. 108
4. El Paso Natural Gas Company
5. McCulley 4
6. Basin-Dakota Gas
7. San Juan NM
8. 1.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15881/NM 1457–79

2. 30-045-10792-0000-0
3. 108
4. El Paso Natural Gas Company
5. Mudge 19
6. Basin-Dakota Gas
7. San Juan, NM
8. 3.7 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15882/NM 1446-79
2. 30-039-07186-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-4 Unit #24
6. Blanco-Mesaverde Gas
7. Rio Aribba, NM
8. 15.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15883/NM 1447-79
2. 30-039-20097-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #146
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 21.5 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15884/NM 1449-79
2. 30-039-05673-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #87
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15885/NM 1427-79
2. 30-045-21447-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lackey A 7
6. Bloomfield-Chacra Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15886/NM 1426-79
2. 30-039-20793-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP 238
6. Gonzales-Mesaverde Gas
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15887/NM 1422-79
2. 30-045-11843-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit NP #172
6. Basin-Dakota Gas
7. San Juan, NM
8. 9.1 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15888/NM 1421-79
2. 30-045-11750-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hughes #16
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 9.5 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15889/NM 1420-79
2. 30-039-60109-0000-0
3. 108
4. El Paso Natural Gas Company
5. Foster 1
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.6 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15890/NM 1407-79
2. 30-039-05662-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla H #4
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-15891/NM 1079-79
2. 30-039-05497-0000-0
3. 108
4. Gulf Oil Corporation
5. Apache Federal Well No 5
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 1.9 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79-15892/NM 1080-79
2. 30-039-05555-0000-0
3. 108
4. Gulf Oil Corporation
5. Apache Federal Well No 4
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79-15893/NM 470-79
2. 30-045-11901-0000-0
3. 108
4. Tenneco Oil Company
5. Newberry Com 1
6. Basin Dakota
7. San Juan, NM
8. 11.0 million cubic feet
9. August 9, 1979
10. Northwest Pipeline Co

1. 79-15894/NM 431-79
2. 30-045-11730-0000-0
3. 108
4. Tenneco Oil Company
5. Bolack B #1
6. Basin Dakota
7. San Juan, NM
8. 2.0 million cubic feet
9. August 9, 1979
10. Northwest Pipeline Corp

1. 79-15895/NM-339-79
2. 30-039-20169-0000-0
3. 108
4. Mobile Oil Corporation
5. Jicarilla G #9
6. Gavilan Pictured Cliffs
7. Rio Arriba, NM
8. 12.0 million cubic feet
9. August 9, 1979
10. Northwest Pipeline Corporation

1. 79-15896/NM 381-79
2. 30-005-60417-0000-0
3. 102
4. C E LaRue and B N Muncy Jr
5. Barnhill #1
6. Sams Ranch Grayburg
7. Chaves, NM
8. .0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15897/NM-413-78
2. 30-045-07190-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit P C #128
6. W Kutz P C
7. San Juan, NM
8. 15.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15898/NM 397-78
2. 30-045-06728-0000-0
3. 108
4. Energy Reserves Group Inc
5. Sarah E Lily B
6. W Kutz P C
7. San Juan, NM
8. 10.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15899/NM-391-78
2. 30-045-00000-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit P C #11
6. W Kutz P C
7. San Juan, NM
8. 14.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15900/NM 389-78
2. 30-045-05240-0000-0
3. 108
4. Energy Reserves Group Inc
5. Brannon Federal #2
6. Basin Dakota
7. San Juan, NM
8. 16.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15901/NM-384-78
2. 30-045-00000-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit P C #22
6. W Kutz P C
7. San Juan, NM
8. 11.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79-15902/NM 265-78
2. 30-039-05065-0000-0
3. 108
4. Lionel R Levinson
5. Pubco Apache #2
6. South Blanco PC
7. Rio Arriba, NM
8. 22.2 million cubic feet
9. August 9, 1979
10. El Paso Gas Company

1. 79-15903/NM14-78
2. 30-045-20961-0000-0
3. 108
4. W M Gallaway
5. Delo #4

6. Fulcher Kutz Pictured Cliffs
7. San Juan, NM
8. 20.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15904/NM–1918–79
2. 30–025–00000–0000–0
3. 108
4. Continental Oil Company
5. Lynn B–1 #7
6. New Mexico Federal Unit
7. Lea, NM
8. 7.4 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas (C–4037)

1. 79–15906/NM–1850–79
2. 30–039–82320–0000–0
3. 108
4. E L Fundingsland
5. Sunico Federal #3
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15907/NM–1851–79
2. 30–039–82333–0000–0
3. 108
4. E L Fundingsland
5. Sunico Federal #7
6. Gavilan Pictured Cliffs
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15908/NM 1852–79
2. 30–039–05809–0000–0
3. 108
4. E L Fundingsland
5. Sunico Federal #8
6. Gavilan Pictured Cliffs
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15909/NM–1853–79
2. 30–039–05912–0000–0
3. 108
4. E L Fundingsland
5. Sunico Federal #11
6. Gavilan Pictured Cliffs
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15910/NM–1854–79
2. 30–039–05374–0000–0
3. 108
4. E L Fundingsland
5. Sunico Federal #17
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15911/NM 1855–79
2. 30–0039–05296–0000–0
3. 108
4. E L Fundingslan
5. Sunico Federal #19
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15912/NM–1856–79
2. 30–039–06422–0000–0
3. 108
4. E L Fundingsland
5. Sunical Federal D–1
6. Basin Dakota
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Co

1. 79–15913/NM 1524–79
2. 30–039–07030–0000–0
3. 108
4. El Paso Natural Company
5. San Juan 27–5 Unit #94
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79–15914/NM 1517–79
2. 30–039–60050–0000–0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #66
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15915/NM 1518–79
2. 30–039–05449–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.1 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15916/NM 1519–79
2. 30–039–05964–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 67 #3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15917/NM 1523–79
2. 30–045–05975–0000–0
3. 108
4. El Paso Natural Company
5. Huerfano Unit #70
6. Kutz West-Pictured Cliffs Gas
7. San Juan, NM
8. 4.4 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15918/NM 1514–79
2. 30–045–21411–0000–0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit 259
6. Basin-Dakota Gas
7. San Juan, NM
8. 10.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp, Southern Union Gathering Co

1. 79–15919/NM 1515–79
2. 30–045–20470–0000–0
3. 108
4. El Paso Natural Gas Company
5. Pierce 8
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15920/NM 1516–79
2. 30–039–05752–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #4
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba MN
8. 9.9 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15921/NM 1512–79
2. 30–045–05840–0000–0
3. 108
4. El Paso Natural Gas Company
5. Ballard 14
6. Basin-Dakota Gas
7. San Juan MN
8. 20.8 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15922/NM 1513–79
2. 30–039–20091–0000–0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit #70
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba MN
8. 12.4 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15923/NM 1506–79
2. 30–045–06907–0000–0
3. 108
4. El Paso Natural Gas Company
5. Turner Hughes #6
6. Blanco South-Pictured Cliffs Gas
7. San Juan MN
8. 12.0 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

1. 79–15924/NM 1505–79
2. 30–039–05899–0000–0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 67 #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba MN
8. 16.4 million cubic feet
9. August 9, 1979
10. El Paso Natural Gas Company

United States Geological Survey, Casper, Wyo.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or Ocs area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–16104/CC 655–9
2. 05–103–07908–0000–0
3. 108
4. Twin Arrow Inc

5. Continental 1-8
6. Cathedral
7. Rio Blanco CO
8. 11.5 million cubic feet
9. August 10, 1979
10. IGC Production Company

1. 79-16111/CC 953-9
2. 05-121-09314-0000-0
3. 103
4. Burlington Northern Inc
5. 32-28 Theurer-Federal
6. Pinto
7. Washington CO
8. 90.0 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-16112/UC 957-9
2. 05-045-06171-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 1-35 (C-12701)
6. West Salt Creek
7. Garfield CO
8. 90.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79-16099/M 236-9
2. 25-071-21315-0000-0
3. 108
4. Midlands Gas Corporation
5. 2560 #1 Federal
6. Bowdoin
7. Phillips MT
8. 15.0 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-16100/M 240-9
2. 25-071-21058-0000-0
3. 108
4. Midlands Gas Corporation
5. 3521 #1 Federal 987
6. Bowdoin
7. Phillips MT
8. 8.0 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-16103/M 432-9
2. 25-071-21651-0000-0
3. 102
4. Joseph J C Paine and Associates
5. Montana Power Federal #1-1962
6. Unnamed
7. Phillips MT
8. 225.0 million cubic feet
9. August 10, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79-16105/M 692-9
2. 25-015-21082-0000-0
3. 108
4. Tricentrol United States Inc
5. Federal 10-29-26-17
6. Sherard
7. Chouteau MT
8. 11.0 million cubic feet
9. August 10, 1979
10. Northern Natural Gas Company

1. 79-16108/M 929-9
2. 25-071-21672-0000-0
3. 103
4. Southland Royalty Company
5. Bowdoin Federal #1-28 33E
6. Bowdoin
7. Phillips MT
8. 45.0 million cubic feet
9. August 10, 1979
10. Kansas Nebraska Gas Company

1. 79-16106/UC 722-9
2. 43-047-30341-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 237
6. Red Wash
7. Uintah UT
8. 18.0 million cubic feet
9. August 10, 1979
10. Northwest Pipeline Corp

1. 79-16107/UC 785-9
2. 43-013-30419-0000-0
3. 103
4. Santa Fe Energy Company
5. Burton/Hawks Tribal I-35
6. Cedar Rim Wasatch
7. Duchesne UT
8. 10.0 million cubic feet
9. August 10, 1979
10. Koch Oil Company

1. 79-16109/UC934-9
2. 43-047-15062-0000-0
3. 108
4. Belco Petroleum Corporation
5. CWU-17 15062
6. Chapita Wells
7. Uintah UT
8. 1.0 million cubic feet
9. August 10, 1979
10. Mountain Fuel Supply Co

1. 79-16110/UC936-9
2. 43-047-15052-0000-0
3. 108
4. Belco Petroleum Corporation
5. CWU 6 15052
6. Chapita Wells
7. Uintah UT
8. 2.0 million cubic feet
9. August 10, 1979
10. Mountain Fuel Supply Co

1. 79-16097/W 21-9
2. 49-007-20383-0000-0
3. 102
4. Intergrity Oil & Gas Company
5. Federal 2-32
6. Bunker Hill
7. Carbon WY
8. 471.0 million cubic feet
9. August 10, 1979
10. Natural Gas Pipeline Co of America

1. 79-16098/W159-9
2. 49-009-21302-0000-0
3. 103
4. Champlin Petroleum Company
5. #2 Federal 41-14
6. Dry Fork Area
7. Converse WY
8. 42.0 million cubic feet
9. August 10, 1979
10. McCulloch Int Gas Corp

1. 79-16101/W 350-9
2. 49-037-21130-0000-0
3. 103
4. Marathon Oil Company
5. Wamsutter Unit A #8
6. Wamsutter Unit
7. Sweetwater WY
8. 865.0 million cubic feet
9. August 10, 1979
10. Colorado Interstate Gas Company

1. 79-16102/W416-9A
2. 49-037-06345-0000-0
3. 108
4. Mountain Fuel Supply Co.
5. Pioneer Unit #8
6. Pioneer-Kinney
7. Sweetwater, WY
8. 12.0 million cubic feet
9. August 10, 1979
10. Mountain Fuel Supply Co.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before September 19, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-27385 Filed 8-31-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RM78-12; Order No. 31A]

Determination of Incentive Rate of Return, Tariff and Related Issues; Order Regarding Tariff Provisions Related to Costs of Conditioning Prudhoe Bay Gas to Pipeline Quality Standards

Issued August 24, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order rejecting portion of *pro forma* tariff.

SUMMARY: Under Docket No. RM78-12, *pro forma* tariffs were submitted to the Federal Energy Regulatory Commission (the Commission). Among the provisions of these tariffs were sections dealing with responsibility as to conditioning natural gas for transport through the Alaska Natural Gas Transportation System. These provisions were not addressed in Order 31 issued June 8, 1979 under Docket No. RM78-12. Given the Issuance this date of Order No. 45 in Docket No. RM79-19, the Commission now acts on the reserved question of conditioning costs raised by the *pro forma* tariffs of Docket No. RM78-12 and rejects the same to the extent they contravene the policy issued under Order No. 45.

DATES: Effective date October 23, 1979; petitions for rehearing September 24, 1979.

ADDRESSES: All petitions should reference Docket No. RM78–12, Order No. 31A and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: John Adger, Director, Alaska Natural Gas Project Office, Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275–3627.

The Commission, in Order No. 31,[1] stated that a supplemental order would be issued regarding those portions of the *pro forma* tariffs tendered in Docket No. RM78–12[2] that affect the issue of cost responsibility for conditioning Prudhoe Bay gas to pipeline quality standards. As explained on page 152 of Order No. 31, the Notice of Proposed Rulemaking in Docket No. RM79–19[3] specified that the cost responsibility issue would be decided in that proceeding, and that, accordingly, a Commission decision on the affected portions of the *pro forma* tariffs tendered in Docket No. RM78–12 would have to await resolution of the cost responsibility issue in Docket No. RM79–19. Commission resolution of the cost responsibility issue has been achieved by the issuance this same day of Order No. 45 in Docket No. RM79–19. Consistent with the policy set forth in that Order, and Section 2.101 of the Commission's regulations, the Commission will not approve any tariff provisions which would permit the imposition by the transporters of any gas conditioning costs other than those costs explicitly provided for by Order No. 45.

Under the Commission policy set forth in Order No. 45, the Commission will not approve any provision in a transporter's tariff which would permit the transporter to impose upon any shipper which is an interstate gas pipeline company any costs associated with conditioning gas to be transported through the Alaska Natural Gas Transportation System (ANGTS), except those costs attributable to removing carbon dioxide from a level of three percent by volume of gas to a level of less than three percent, absent rebuttal of a presumption that such costs were imprudently incurred. The rationale for this policy is fully explained in Order No. 45.

Of particular relevance to this Order is Section 5.3 of the General Terms and Conditions of the *pro forma* tariffs tendered under Docket No. RM78–12 by Alaskan Northwest Natural Gas Transportation Company and Northern Border Pipeline Company. This section of each tariff states:

§ 5.3 Failure to conform.

If gas delivered by Shipper does not comply with quality specifications set out in subsection 5.1 hereof, Company shall have the right, in addition to all other remedies available to it by law, to refuse to accept any such gas. Company may, at its option and upon notice to Shipper, accept receipt of gas not complying with the quality specifications set out in Subsection 5.1 hereof provided Company, at the expense of such Shipper, makes all changes necessary to bring such gas into compliance with such a specification. Any change in the gross heating value of gas treated by Company pursuant to this Subsection 5.3 shall, for purposes of Section 13 hereof, be appropriately reflected in the total Btu content of gas received by Company from Shipper whose gas is so treated.[4]

In accordance with the Commission policy regarding conditioning costs for Prudhoe Bay gas as set forth in Order No. 45, the transporters are hereby notified that to the extent the above proposed tariff provision (or any other tariff provision) is intended to permit the transporters to include any costs of conditioning the gas, in their charges to shippers who are interstate gas pipeline companies, beyond those costs which are allowed pursuant to the policy statement in Order No. 45, there is a rebutable presumption that such costs would be imprudently incurred, and that such a tariff provision is inconsistent with Commission policy and must be rejected. The substantive determination of the cost responsibility issue was based upon the record in Docket No. RM79–19.

In order to facilitate synchronization of this Order with Order No. 45 in Docket No. RM79–19 for purposes of administrative review and, if necessary, judicial review, the Commission will afford all parties an opportunity to file petitions for rehearing within 30 days of the date of issuance of this Order and will stay the effective date of this Order for 60 days from its date of issuance.

The Commission Finds

(1) For the reasons set forth above, it is necessary and appropriate and in the public interest, in administering the Natural Gas Act, the Natural Gas Policy Act, and the Alaska Natural Gas Transportation Act, to require that the tariffs of Alaskan Northwest Natural Gas Transportation Company and Northern Border Pipeline Company conform to the policy regarding cost responsibility for conditioning Prudhoe Bay gas as set forth in Order No. 45, issued August 24, 1979, in Docket No. RM79–19.

(2) To the extent that Section 5.3, or any other provision, of the *pro forma* tariffs tendered by Alaskan Northwest Natural Gas Transportation Company and Northern Border Pipeline Company is intended to permit the inclusion, in charges to shippers which are interstate gas pipeline companies, any costs for conditioning Prudhoe Bay gas other than those costs explicitly provided for in Order No. 45, issued August 24, 1979, in Docket No. RM79–19, there is a rebuttable presumption that such a provision is inconsistent with Commission policy and must be rejected.

The Commission Orders

(A) Any tariffs tendered by Alaskan Northwest Natural Gas Transportation Company and Northern Border Pipeline Company shall conform with the requirements set forth in this Order, and comply with the policy set forth in Order No. 45, issued this same day in Docket No. RM79–19 and incorporated into Section 2.101 of the Commission's regulations.

(B) This order shall become effective 60 days after the date of its issuance. Parties to Docket No. RM78–12 may file petitions for rehearing of this Order within 30 days of the date of its issuance, pursuant to the procedures set forth in § 1.34 of the Commission's rules of practice and procedure.

By the Commission, Commissioner Sheldon was present and not voting.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–27438 Filed 8–31–79; 8:45 am]

BILLING CODE 6450–01–M

[1] "Order Setting Values for Incentive Rate of Return, Establishing Inflation Adjustment and Change in Scope Procedures and Determining Applicable Tariff Provisions" (Docket No. RM78–12) (issued June 8, 1979).

[2] The tariffs under Commission review were those filed by Alaskan Northwest Natural Gas Transportation Company and the Northern Border Pipeline Company.

[3] "Treatment of Certain Production-Related Costs for Natural Gas to be sold and Transported Through the Alaska Natural Gas Transportation System: Notice of Proposed Rulemaking and Statement of Policy" (Docket No. RM79–19) (Issued Feb. 2, 1979).

[4] Pro Forma FERC Gas Tariff, Original Volume No. 1, Alaskan Northwest Natural Gas Transportation Company, Original Sheet Nos. 217–218; Pro Forma FERC Gas Tariff, Original Volume No. 1, Northern Border Pipeline Company, Original Sheet Nos. 216–217.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1310-5]

Ambient Air Monitoring Reference Method Designation; Philips Model PW9762/02 NO/NO_2/NO_X Analyzer

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11252, 41 FR 52694), has designated another reference method for the measurement of ambient concentrations of nitrogen dioxide. The new reference method is an automated method (analyzer) which uses the gas phase chemiluminescence measurement principle specified for NO_2 reference methods in Appendix F of 40 CFR Part 50 (as amended on December 1, 1976—41 FR 52688). The method is described as:

RFNA-0879-040, "Philips Model PW9762/02 NO/NO_2/NO_X Analyzer," consisting of the following components:
PW9762/02 Basic Analyzer
PW 9729/00 Converter Cartridge
PQ9731/00 Sampler or PW9731/20 Dust Filter and operated on a range of 0–0.5 ppm, with or without any of the following accessories:
PW9752/00 Air Sample (Manifold)

W9732/00 Sample Line Heater
PW9011/00 Remote Control Set

This method is available from Philips Electronic Instruments, Inc., 85 McKee Drive, Mahwah, New Jersey 07430.

A notice of receipt of application for this method appeared in the **Federal Register**, Volume 44, February 7, 1979, page 7806.

A test analyzer representative of this method has been tested by the applicant in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method.

The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be operated in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to Part 58 (44 FR 27585).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and must indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice of a new reference or equivalent method designation for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under Part 58. Additional information concerning this action may be obtained by writing to the address given above.

Stephen J. Gage,
Assistant Administrator for Research and Development.
August 8, 1979.
[FR Doc. 79-27459 Filed 8-31-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1310-4]

Environment and Conservation in Non-Nuclear Energy Research and Development; Public Hearing

The Environmental Protection Agency (EPA) announces a Public Hearing on Environment and Conservation in the Federal Non nuclear Energy Research and Development Program to be held at the Office of Personnel Management Auditorium, 1900 E Street, NW, Washington, DC, from 9:00 am to 5:00 pm, October 3–5, 1979. The public is invited to attend.

Section 11 of the Federal Non nuclear Energy Research and Development Act of 1974 (Pub. L. 93-577), directs the responsible agency (formerly the Council on Environmental Quality, currently EPA) to carry out a continuing analysis of the Federal non nuclear energy research and development program to evaluate the adequacy of attention to (1) energy conservation methods and environmental protection and (2) environmental consequences of the application of non nuclear energy technologies. The 1979 hearing will focus on the adequacy of attention to environmental protection and energy conservation measures within the Department of Energy (DOE) research, development and demonstration management system.

Aspects of that system to be discussed include:

- Use of technical and scientific information in decision-making.
- Communication of the rationale for technology development decisions.
- Integration of technology development and environmental research planning systems.

Under the direction of the Act, annual public hearings are held to provide the opportunity for interested individuals or groups to testify. The October public hearings have been preceded by a series of Section 11 regional workshops held during July in Atlanta, Denver, San Francisco, and Pittsburgh. These workshops provided an opportunity for public evaluation of the DOE management system at the regional level and its effect on projects which are being developed locally.

A Report to Congress to be available in January, 1980 will summarize the 1979 Section 11 program. The results of the October hearing will be a principal part of the Report. The Report will also include results of four regional workshops already completed, and additional detailed analysis.

Further information about this hearing may be obtained by phoning Paul Schwengels (202)–426–2683 or Francine Jacoff (202)–755–0324.

Individuals or organizations wishing to testify should submit, by September 15, 1979, a brief summary of their intended testimony to: Section 11 Coordinator (RD–681), Office of Environmental Engineering and Technology, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Witnesses may submit written testimony and/or deliver an oral statement of up to ten (10) minutes in length. Additional time will be reserved for questions and comments from a panel of experts. An open period will be provided each day for unscheduled public testimony or questions. Transcripts of the October hearing will be available to the public.

Steven R. Reznek,

Deputy Assistant Administrator for Environmental Engineering and Technology, U.S. Environmental Protection Agency.

August 29, 1979.

[FR Doc. 79–27458 Filed 8–31–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1311–3; OPP–00103]

Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel; Open Meeting

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

ACTION: Notice of open meeting.

SUMMARY: There will be a two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9:00 a.m. to 5:00 p.m. daily on Thursday, and Friday, September 20 and 21, 1979. The meeting will be held in Salon F. Crystal, City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Va., and will be open to the public.

FOR FURTHER INFORMATION CONTACT: Dr. H. Wade, Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS–766), EPA, Room 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460, Telephone: 703/557–7560.

SUPPLEMENTARY INFORMATION: In accordance with section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact of regulatory actions under sections 6(b) and 25(a) on health and the environment prior to implementation. The agenda for this meeting will include the following topics:

1. Review of the Agency's proposed regulatory action to conclude the Rebuttable Presumption against Registration (RPRA) of trifluralin (Treflan);

2. Conclusion of unfinished business from the meeting held on August 15–16, 1979; and

3. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Copies of draft documents may be obtained by contacting Ms. Marcia Williams, Director, Special Pesticide Review Division (TS–791), Room: 724, Crystal Mall, Building No. 2, at the address given above, Telephone: 703/557–7438.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above to be sure that the meeting is still scheduled and to conform that the Panel will review all of the agenda items. Interested persons are permitted to file written statements before or after the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Written or oral statements will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than September 10, 1979.

Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to be instructed on the format and the number of copies of submit to ensure appropriate consideration by the Panel.

The tentative date for the next Scientific Advisory Panel meeting is October 9–10, 1979.

[Section 25(d) of FIFRA, amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770).].

Dated: August 28, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79–27482 Filed 8–31–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1311–7; OPP–180355]

Florida Department of Agriculture and Consumer Services; Issuance of Specific Exemption To Use Permethrin To Control Vegetable Leafminer on Celery

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

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use permethrin for control of the vegetable leafminer on 11,000 acres of celery in four counties in Florida. The specific exemption expires on June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E–124, Washington, D.C. 20460, Telephone: 202/426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Leafminers have periodically plagued Florida celery since the late 1940's. Although normally present in moderate numbers, epidemic population levels have been reached in the late 1940's, early 1960's, and early 1970's. During the 1977–1978 growing season, populations of the pest were not controlled by applications of the registered pesticides. Effective control was achieved, however, with a permethrin control program which was authorized by a specific exemption similar to the one described here, according to the Applicant.

Leafminer damage to the celery results in reduced quality and leaf death; ultimately, the plant branches die. This damage necessitates stripping, trimming, and culling which drastically reduce yield and quality. According to the Applicant, complete fields may be lost or marketed only as a salvage operation.

The following insecticides are registered for leafminer control: Cygon, Dibron, Diazinon, Orthene, and Vydate. According to the Applicant, the registered alternatives are ineffective to the extent necessary to control the insect due to the leafminer's developed resistance to these pesticides. Pest management programs not requiring chemical controls are under study, but as yet are not sufficiently effective to handle the current emergency. Therefore, the Applicant claimed, chemical control is the only effective means available to control the leafminer. The Applicant estimates that without the use of an effective pesticide, losses of up to $15 million could be incurred by the Florida celery industry.

The Applicant proposed to use permethrin, manufactured by ICI Americas, Inc. as Ambush, and by FMC Corp. as Pounce, at a rate of 0.05 to 0.20 pound active ingredient (a.i.) per acre. Applications will be made by qualified growers or State-certified commercial applicators using ground or air equipment in the following areas: Zellwood in Orange County; Belle Glade, Pahokee, and South Bay in Palm Beach County; Sanford and Oviedo in Seminole County; and Sarasota in Sarasota County.

Residues of permethrin in or on celery are not expected to exceed 5 parts per million (ppm) as a result of this program. This residue level has been judged by EPA to be adequate to protect the public health.

Environmental problems associated with permethrin's extreme toxicity to aquatic organisms should be reduced by the restrictions imposed by EPA. These restrictions should also minimize danger to two endangered species, the Everglade Kite and Southern Bald Eagle, both of which feed on aquatic organisms. The proposed use is not expected to pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of leafminers on celery has occurred; (b) there is no pesticide presently registered and available for use which gives effective control of this pest in Florida; (c) there is no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the leafminers are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above to the extent and in the manner set forth in the application until June 30, 1980. The specific exemption is also subject to the following conditions:

1. The products Ambush (EPA Reg. No. 10182–3) and Pounce 3.2 EC (EPA Reg. No. 2791–3014) are authorized;

2. Applications may be made to celery fields in the areas named above;

3. Total acreage treated may not exceed 11,000 acres;

4. Permethrin will be applied at a rate of 0.05 to 0.20 pound a.i. per acre per application. A maximum of 3 pounds a.i. per acre will be applied;

5. Applications may be made at five- to fourteen-day intervals. There is no preharvest interval;

6. A maximum of 33,000 pounds a.i. may be applied;

7. Applications of permethrin may be made by ground or air equipment;

8. Permethrin spray mixture volumes of 40 to 50 gallons of water per acre will be made by ground application, and 3 to 8 gallons of water per acre will be made by aerial application;

9. All applications will be made by qualified growers or by State-certified commercial applicators. A 60-day crop rotation restriction is imposed;

10. Permethrin should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method	Aerial			Ground		
Application height	10 feet			2 feet		
Application rate (lbs. A.I.)	.05	0.1	0.2	0.005	0.1	0.2
Fresh water (distance in feet)	585	990	1,600	117	198	320
Salt water (distance in feet)	1,847	2,779	3,950	369	556	790

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or aquatic invertebrate kills;

11. Precautions must be taken to avoid or minimize spray drift to non-target areas;

12. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It must not be applied, or allowed to drift to weeds in bloom on which an economically significant number of bees is actively foraging. Protective information may be obtained from the State Cooperative Agriculture Extension Service;

13. Permethrin is extremely toxic to fish and aquatic invertebrates. Care must be taken to prevent contamination of lakes, streams, ponds, tidal marshes and estuaries by cleaning equipment or disposing waste;

14. Celery treated according to the above provisions is not expected to have residues of permethrin in excess of 5.0 ppm. Celery with residues not exceeding this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

15. All applicable directions, restrictions, and precautions on the product label must be followed;

16. Two endangered species, the Florida Everglade Kite and the Southern Bald Eagle, are endemic to regions in the treatment area. Application of the pesticide according to the above instructions and directions is expected to minimize the risk to these animals. Permethrin should not be applied in areas where spray drift could possibly impact aquatic ecosystems containing endangered or threatened species. Liaison should be established between the Applicant and the Florida Fresh Water Fish and Game Commission in order to protect fish and wildlife;

17. The EPA shall be informed immediately of any adverse effects resulting from this use of permethrin; and

18. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by September 1, 1980.

(Section 18 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 28, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-27457 Filed 8-31-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1311-6; OTS-410001A]

Fourth Report of the Interagency Testing Committee; Receipt of the Report and Requests for Comments; Correction

In FR Doc. 79-16820 appearing at page 31866 in the issue of Friday, June 1, 1979,

the Interagency Testing Committee's recommendation that epidemiological studies of the possible adverse health effects of hexachlorocyclopentadiene be undertaken was inadvertently omitted. The list under the heading RECOMMENDED STUDIES in the second column on page 31882 is corrected to include epidemiological studies. Epidemiological studies of this chemical are correctly included in Table II of the report on page 31869.

Dated: August 28, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-27456 Filed 8-31-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1310-7]

Region VII; Approval of PSD Permit to Iowa-Illinois Gas & Electric Co.

Notice is hereby given that on August 7, 1979, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Iowa-Illinois Gas and Electric Company for approval to construct a new 650-megawatt coal-fired steam electric generating station in Louisa County, Iowa. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Eighth Circuit Court of Appeals. A petition for review must be filed on or before November 5, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Auditor's Office, County Court House, Third and Walnut Streets, Muscatine, Iowa.

Iowa Department of Environmental Quality, Air and Land Quality Division, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

U. S. Environmental Protection Agency, Air and Hazardous Materials Division, 324 East 11th Street, Kansas City, Missouri.

Dated: August 24, 1979.

Kathleen Q. Camin,

Regional Administrator, Region VII.

[FR Doc. 79-27460 Filed 8-31-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1310-8]

Science Advisory Board Environmental Health Committee; Postponement of Meeting

Under Pub. L. 92-463, notice is hereby given that the meeting of the Environmental Health Committee of the Science Advisory Board scheduled for 9:00 a.m. on September 12, 1979 in Room 3906-08, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D. C. will not be held. The meeting referred to was announced in the **Federal Register** on August 22, 1979 (44 FR 49303). The meeting will be rescheduled and appropriately announced in the **Federal Register.**

Any member of the public wishing further information regarding this postponement should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460. Please ask for Mr. Kenneth B. Goggin. The telephone number is (202) 472-9444.

Ernst Linde,

Acting Staff Director, Science Advisory Board.

[FR Doc. 79-27461 Filed 8-31-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 24, 1979 (NRC), and August 27, 1979 (ICC). See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC and NRC requests are invited from all interested persons, organizations public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before September 24, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of a new single-time survey concerning the Development of Radiological Transportation Emergency Response Guidance to be completed on a voluntary basis by all 50 States and Puerto Rico. The NRC Office of Standards Development, Transportation and Products Standards Branch, is currently involved in a program directed toward providing guidance for transportation related emergency response. The goal of the program is to increase the expertise of the State and local governments in managing transportation related nuclear incidents and to decrease their dependence on Federal assistance in this area. The program has 3 phases: (1) to conduct a survey of current State response capabilities; (2) to develop a model State radiological emergency response program to provide the maximum effective emergency response in all areas of transportation; and (3) to recommend an optimum emergency response program to the States based on a task force evaluation of (1) and (2) and a cost-benefit analysis.

The survey is broken down into two questionnaires. The first questionnaire addresses those questions not likely to be found in existing State plans. The second questionnaire contains those questions which can most likely be answered by reference to existing State plans. The questions in the second questionnaire will be asked of State and local officials only if the information is not available in existing State plans. The NRC will send copies of the questionnaires to approximately three officials in each State and Puerto Rico and then will conduct a telephone interview with each official to obtain answers to the questionnaires. The NRC estimates that burden will average 16 hours for each State.

Interstate Commerce Commission

The ICC requests an extension without change clearance of Annual Report, Form MP-2, required to be filed by approximately 1,100 Class II and III motor carriers of passengers having annual operating revenues of less than $3 million pursuant to order of the Interstate Commerce Commission, 49 CFR 1249.6. Data collected by Form MP-2 are used for economic regulatory purposes. Reports are mandatory and available for use by the public. The ICC estimates reporting burden for carriers will average 2½ hours per report.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-27425 Filed 8-31-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 98; Case Nos. ER-80-48 and ER-80-49]

Kansas City Power and Light Co., Public Utility Commissions of Missouri and Kansas; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Utility Commissions of Missouri and Kansas concerning the application of the Kansas City Power and Light Company for an increase in electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, N.W., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202-566-0750, on or before October 4, 1979, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)))

Dated: August 23, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-27415 Filed 8-31-79; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Preventing Disease, Promoting Health: Objectives for the Nation; Announcement of Availability of Draft National Prevention Objectives for Review and Comment

The Department of Health, Education, and Welfare convened a conference June 13 and 14, 1979, in Atlanta, Georgia, in a joint effort of the Center for Disease Control and the Health Resources Administration, in coordination with the Office of Disease Prevention and Health Promotion of the Office of the Assistant Secretary for Health. Participants in the conference workgroups discussed a series of specific and measurable objectives in disease prevention and health promotion and produced a draft set of national prevention objectives to be achieved by 1990 in key prevention areas.

The Department invites review and public comment on the draft national prevention objectives. Copies of the draft objectives will be available September 4, 1979. The closing date for comments will be November 2, 1979.

For individual copies of the draft national prevention objectives contact: J. Michael McGinnis, M.D. Acting Deputy Assistant Secretary for Health, Disease Prevention and Health Promotion, P.O. Box 15002, Atlanta, Georgia 30333; Telephone: FTS 236-3631 Commercial: 404/329-3631.

Dated: July 13, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79-26740 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-85-M

Social Security Administration

Changes in the Rate of Federal Participation and the Ceiling Limitations on Federal Funds for Guam, Puerto Rico, and the Virgin Islands

AGENCY: Social Security Administration, HEW.

ACTION: Notice.

SUMMARY: This notice reflects amendments to the Social Security Act made by section 802 of Pub. L. 95-600.

For fiscal year 1979, the dollar ceilings for Puerto Rico, Guam, and the Virgin Islands under section 1108(a) of the Social Security Act are as follows:

Puerto Rico	$72,000,000
Guam	3,300,000
Virgin Islands	2,400,000

These ceilings are the maximum amounts of Federal funds available for the programs under Titles I, IV-A, X, XIV, and XVI (AABD) of the Social Security Act. They apply both to assistance and administrative costs under these programs.

In addition, the Federal Medical Assistance Percentage (FMAP) for Puerto Rico, Guam, and the Virgin Islands under section 1118 of the Social Security Act is 75 percent for fiscal year 1979. Section 1118 permits a State that has an approved Title XIX plan in effect to elect to use the FMAP rate in lieu of the matching rate under Titles I, IV-A, X, XIV, and XVI (AABD). In the event that Puerto Rico, Guam, or the Virgin Islands makes this election, Federal matching at 75 percent is available in assistance payments to individuals (subject to the dollar ceilings).

DATES: These changes will be effective only for fiscal year 1979 beginning October 1, 1978, and ending September 30, 1979.

FOR FURTHER INFORMATION CONTACT: C. George LeBoff, Director, Employability and Fiscal Policy Division, Office of Policy, Office of Family Assistance, Social Security Administration, Washington, D.C. 20201, (202) 245-0500.

(Catalog of Federal Domestic Assistance Program No. 13.808—Assistance Payments—Maintenance Assistance (State Aid))

Dated: August 29, 1979.

Robert P. Bynum,

Acting Commissioner of Social Security.

[FR Doc. 79-27420 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-07-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-361A and 50-362A]

Southern California Edison Co., et al; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Southern California Edison Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, the City of Riverside and the City of Anaheim, for the San Onofre Nuclear Generating Station, Units 2 and 3. The current holders of the construction permits are Southern California Edison Company and San Diego Gas and Electric Company.

The information was filed in connection with the application by Southern California Edison Company and San Diego Gas and Electric Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on October 18, 1973 at the San Onofre site located in San Diego County, California.

The original application was dated May 28, 1970, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the Federal Register on February 20, 1971 (36 FR 3278). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of

Opportunity for Hearing was published in the **Federal Register** on April 7, 1977 (42 FR 18460). Subsequently, the Notice of Hearing was published in the **Federal Register** on October 26, 1977 (42 FR 57575).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555 and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

Any person who wishes to have his views on the antitrust matters with respect to the City of Riverside and the City of Anaheim presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U. S. Nuclear Regulatory Commission, Washington, D. C., 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before October 26, 1979.

Dated at Bethesda, Maryland, this 13th day of August, 1979.

For the Nuclear Regulatory Commission.
I06Robert L. Baer,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 79-26185 Filed 8-27-79; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 29, 1979

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 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 forms; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Food and Nutrition Service
Annual Report of Revenue and Cost
FNS-13
Annually
State Education Agencies, 56 responses; 70 hours
Charles A. Bilett, 395-5080

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

Revisions

Departmental and other
Industrial Plant Equipment Replacement Analysis Work Sheet
DD 1106
On occasion
Defense Contractors, 47 responses; 2,080 hours
C. Louis Kincannon, 395-3772

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252-5214

New Forms

Consumer Products Survey, Appliance Labeling
CS-159
Single time
Indiv. who have recently purchased appliances, 5,797 responses; 984 hours
Jefferson B. Hill, 395-5867

Reinstatements

Automotive Fuel Economy Guide Evaluation Survey
EIA-35
Single time
Sample of New Car & Light Truck Buyers, 4,000 responses; 1,333 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

New Forms

Policy Development and Research
* Longitudinal Survey of Housing Adjustments of Older People—Reinterview
AHS-57 (R)
Monthly
Household in Houston, Tex. SMSA with Head/Spouse 55-57 Yrs., 1,000 responses; 250 hours
Arnold Strasser, 395-5080
Policy Development and Research
Section 8 Existing Housing Program—Repairs and Maintenance
Single time
Households & Landlords Participating in Section 8 EH, 2,400 responses; 2,200 hours
Arnold Strasser, 395-5080

Revisions

Administration (Office of Ass't Sec'y)
*Title 1 Claim for Loss
HUD–637 & 637.B
On occasion
Banks, Svgs. & Loans, Etc., 31,500 responses; 8,955 hours
Arnold Strasser 395–5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Federal Highway Administration
*Description of Motor Carrier/Shipper Operations Questionnaire
MCS–137 & 137A
Annually
New Carriers & Shippers 12,000 responses; 6,000 hours
Susan B. Geiger, 395–5867

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376–0436

Extensions

Bureau of Customs
*Application and Approval to Manipulate, Examine, Sample or Transfer Goods
Customs 3499
On occasion
Importers, Consignees, 80,000, responses; 10,600 hours
Susan B. Geiger, 395–5867
Bureau of Customs
*Lay-Order (Application and Approval)
Customs 3189
On occassion
Carriers, Consignees, 40,000 responses; 5,300 hours
Susan B. Geiger, 395–5867

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245–3064

New Forms

Toxic Substances Control Act Premanufacturing Notification Interiew Guide
Single Time
Chemical Manufacturers, 75 responses; 150 hours
Edwards H. Clarke, 395–5867

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4693

Revision

*Physician's Statement
G–478
On Occasion
Physicians 3,000 responses; 501 hours
Barbara F. Young, 395–6132
*Medical Officer's Statement
G–479
On Occasion
Physicians, 2,000 responses; 334 hours
Barbara F. Young, 395–6132
*Letter to Non-RR Employees on Employment and Earnings Of a Claimant
Id–51 (12–60)
On Occasion
Non-Railroad Employers, 10,000 responses; 830 hours
Barbara F. Young, 895–6132

Extensions

*Request for Termination of Supplementary Medical Insurance
G–718
On Occasion
RRB Medicare Enrollees, 500 Responses, 42 hours
Barbara F. Young, 395–6132

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–27434 Filed 8–31–79; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Color Televison Receivers and Certain Subassemblies thereof; Adjusted Restraint Levels under the Orderly Marketing Agreement with Taiwan

Below is a letter to the Commissioner of Customs adjusting the restraint levels for the first period (February 1979–June 1979) as authorized by Presidential Proclamation 4634 of January 26, 1979.

Stephen L. Lande,

Assistant Special Trade Representative.

The Honorable Robert Chasen,
Commissioner, U.S. Customs Service, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Chasen: In accordance with paragraph (5)(a) of Presidential Proclamation 4634 of January 26, 1979, we have maintained monthly import statistics on color television receivers and certain subassemblies thereof exported from Taiwan.

Exports of color television receivers from Taiwan during the "pipeline" period specified in paragraph 2(a) of the orderly marketing agreement (July 1, 1978–January 31, 1979) were 26,368 units less than the 368,000 units allotted under the agreement. To carry out the terms of the agreement, it will be necessary to add the shortfall to Taiwan's Period I (February 1979–June 1979) total of 127,000 units.

Accordingly, pursuant to operative paragraphs (6) and (7) of Presidential Proclamation 4634 of January 26, 1979, you are hereby requested to increase the first period restraint levels applicable to color television receivers entered under TSUS Item No. 923.74 by 26,368 items. The adjusted restraint level, therefore, will be 153,368.

This letter will be published in the **Federal Register.**

Sincerely,

Robert S. Strauss.

[FR Doc. 79–27363 Filed 8–31–79; 8:45 am]

BILLING CODE 3190–01–M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 04/04–5178]

Diaz 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 Diaz Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers and directors of the applicant are as follows:

Frank L. Diaz, 2901 S. Bayshore Drive, Apt. 17F, Coconut Grove, Florida 33133, Chairman of the Board and Secretary.
Frank Diaz, 235 S.W. 22nd Road, Miami, Florida 33145, President, Treasurer and Director.
Iraida Valdez, 9447 S.W. 38th Street, Miami, Florida 33165, Director.

The applicant will maintain its offices at 3126 Coral Way, Miami, Florida 33145.

It will begin operations with $500,000 of private capital derived from the sale of 1,000 shares of common stock to Mr. Frank L. Diaz.

The applicant will conduct its operations principally in Dade, Broward, Monroe and Palm Beach counties of Florida.

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, not later than September 19, 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 Miami, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: August 28, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-27429 Filed 8-31-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01-0293]

Hellman, GAL Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On October 17, 1978, a Notice was published in the **Federal Register** (43 FR 47807) stating that Hellman, Gal Capital Corporation, One Federal Street, Boston, Massachusetts 02110, had filed an applicable with the Small Business Administration, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)), for a License to operate as a Small Business Investment Company.

Interested persons were given until the close of business on November 1, 1978, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received and, having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01/01-0293 on August 21, 1979, to Hellman, Gal Capital Corporation pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalogue of Federal Domestic Assistance Program 59.011, Small Business Investment Companies)

Dated: August 24, 1979.

Arthur P. Cyr,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-27369 Filed 8-31-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 01/01-0304]

Morris Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1979)), under the name of Morris Capital Corporation (Applicant), for a License to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (Act) and the rules and regulations promulgated thereunder.

The Applicant is incorporated under the laws of the State of New Jersey and it will commence operations with a capitalization of $503,156, which amount will be raised through the private sale of shares of the Applicant's Common Stock, No Par Value, to a limited number of investors.

The Applicant will have its principal place of business at 163 Washington Street, Morristown, New Jersey 07960, and it intends to conduct operations primarily in the States of New Jersey, New York and Pennsylvania.

The Officers, Directors and those who will be the owners of ten percent or more of the Applicant's Common Stock upon completion of the private offering are:

Name, Address, and Title or Relationship to Applicant

O. David Fischer, 5 Yardley Road, Mendham, NJ, President, Treasurer Director and Shareholder.

Robert L. Tuchman, 249 Long Hill Drive, Short Hills, NJ, Vice President, Secretary and Director.

William R. Johnston, Shalebrook Drive, Morristown, NJ, Director and Shareholder.

Christina Fischer, 5 Yardley Road, Mendham, NJ, Shareholder.

RLT Enterprises, Inc., 163 Washington St., Morristown, NJ, Shareholder.

Robert L. Tuchman is the principal stockholder (60%) of RLT Enterprises, Inc., a recently formed corporation which is also a ten percent owner of, and the Investment Advisor/Manager to, ESLO Capital Corporation, a Small Business Investment Company located at 163 Washington Street, Morristown, New Jersey 07960.

In the event, the private sale of the Applicant's Common Stock results in additional investors owning ten percent or more of such stock, their identify will be published in the **Federal Register**, and the newspaper mentioned below.

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 operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA regulations.

Notice is hereby given that any person may, on or before September 19, 1979, submit written comments on the Applicant to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L St., NW., Washinton, D.C. 20416

A copy of this Notice shall be published by the Applicant in a newspaper of general circulation in Morristown, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: August 28, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-27367 Filed 8-31-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-0375]

Sherwood Business Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)), under the name of Sherwood Business Capital Corporation (Applicant), 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, and the Rules and Regulations promulgated thereunder.

The Applicant was incorporated under the laws of the State of New York, and it will commence operations with a capitalization of $504,000. The capitalization will result from a purchase by Sherwood Diversified Services, Inc., of all the outstanding stock of the applicant.

The Applicant will have its place of business at 770 King Street, Port

Chester, New York 10573, and it intends to conduct operations primarily in the State of New York.

The Officers and Directors of the Applicant will be:

Anthony R. Russo, 770 King Street, Port Chester, New York 10573—Chairman of the Board and Chief Executive Officer.
Lewis R. Eisner, 188 Rock Creek Lane, Scarsdale, New York 10583—President.
Irwin Naitove, 1440 Stevenson Road, Hewlett, New York 11557—Executive Vice President.
Carole A. Russo, 770 King Street, Port Chester, New York 10573—Secretary.
Lewis R. Eisner & Co., Inc., 230 Park Avenue, New York, New York 10017—Manager/Adviser.
Sherwood Diversified Services, Inc., 770 King Street, Port Chester, New York 10573—Sole Stockholder.

Mr. Russo is an officer, director and owner of 10 percent or more of the issued and outstanding stock of Sherwood Diversified Services, Inc.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person, may not later than September 19, 1979, submit written comments on the Applicant to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of the Notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalogue of Federal Domestic Assistance Programs, No. 59.011 Small Business Investment Companies)

Dated: August 23, 1979.

Arthur P. Cyr,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-27368 Filed 8-31-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Agency for International Development

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 thirty-first meeting of the Board for International Food and Agricultural Development (BIFAD) on September 27, 1979.

The purpose of the meeting is to: receive and discuss the progress reports of the Joint Research Committee (JRC) and the Joint Committee for Agricultural Development (JCAD); discuss the status of the Nutrition Collaborative Research Support Program (CRSP) and the less Developed Country (LDC) research sites; discuss AID's programming and contracting process, including host country contracting; and discuss the progress report of the BIFAD study of AID's Agricultural Manpower requirements.

The meeting will begin at 9:00 a.m. and adjourn at 4:00 p.m.; and will be held in Room 1406 New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. Erven J. Long, Director, Office of Title XII Coordination and University Relations, Development Support Bureau, A.I.D., is designated as 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 23, 1979.

Erven J. Long,

A.I.D. Advisory Committee Representative Board for International Food and Agricultural Development.

[FR Doc. 79-27389 Filed 8-31-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Reduction of Nonessential Federal Expenditures for the National Airport and Airway System; Request for Recommendations From Users

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request for recommendations.

SUMMARY: This notice requests and is intended to elicit, recommendations from the users of the national airport and airway system on methods of reducing nonessential Federal expenditures for aviation. Congressional legislation requires annual consultation with the users of this system.

DATE: Recommendations should be received on or before January 2, 1980.

ADDRESS: Send recommendations in duplicate to: Federal Aviation Administration, Office of Management Systems, AMS-500, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Leonard B. Bell, Chief, Management Analysis Division (AMS-500), Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone 202-426-8060.

SUPPLEMENTARY INFORMATION:

Availability of Notice of Request for Recommendations

Any person may obtain a copy of this notice of request for recommendations by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591 or by calling 202-426-8058.

Discussion

Section 25 of the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1704) provides as follows:

The Secretary of Tranportation shall, in accordance with this section, attempt to reduce, to the maximum extent practicable consistent with the highest degree of aviation safety, the capital, operating, maintenance costs of the national airport and airway system. The Secretary shall, at least annually, consult with and give due consideration to the views of users of such system on methods of reducing nonessential Federal expenditures for aviation. The Secretary shall give particular attention to any recommendations which could reduce, without adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from charges on such users.

By 1.47(f)(3) of the regulations of the Office of the Secretary of Transportation, the authority of the Secretary of Transportation in section 25 is delegated to the Administrator of the Federal Aviation Administration.

The last request for user views pursuant to section 25 was published in the **Federal Register** on October 5, 1978 (43 FR 46105). That notice drew 60 suggestions from 13 users, including two

major organized user groups. The area of principal interest shown by these users were:

The way the Federal government organizes its aviation weather gathering activity and disseminates weather data to aviation users, the hours of operation of low activity air traffic facilities, the use of the FAA air carrier inspectors, the rulemaking and certification process, the operation of the facilities maintenance program, the need to simplify the Airport Development Aid program (ADAP), the need to resolve the wake vortex problem and the need to reduce the paperwork affecting the aviation public.

The Administrator gave due consideration to all views and also advised users that the FAA has many significant activities underway that bear directly on the suggestions the users made. Some of the more significant actions included:

(1) Review of low activity control towers to determine whether any should be decommissioned.

(2) Automated terminal service.

(3) Provision for direct user access to aviation weather and flight data products to reduce personal weather briefings.

(4) Provision in the current budget for the remote maintenance monitoring of existing remote communications facilities and preparation of a contract to obtain the equipment necessary for implementation.

(5) The conduct of tests at O'Hare Airport to expedite integration of design of Low Level Wind Shear Alerting System with the Vortex Advisory System.

(6) A number of organizational changes in the Washington headquarters organization which reduces the number of organizational elements reporting to the Administrator and streamlines the Washington headquarters.

Accordingly, views and recommendations of users of the national airport and airway system are solicited on methods of reducing nonessential Federal expenditures for aviation and, in particular, on reducing, without adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from users.

(Section 25, Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1704); sec. 1.47(f)(3), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(f)(3)).

Issued in Washington, D.C. on August 27, 1979.

Elden P. Nootenboom,

Acting Director, Office of Management Systems.

[FR Doc. 79-27419 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Calendar of Meetings Open to the Public

Below is a list of NHTSA-sponsored meetings which are planned over the next 2 years and in which public interest or participation is expected. The list, which will be revised and republished periodically, is for planning. Meeting dates and places, particularly those scheduled for the second year, are subject to change.

September 18, 1979

Public hearing on safety related defects in several components of 1971–1974 and 1976–1978 Capris imported by Ford Motor Company

10:00 a.m.

DOT Headquarters Building, Room 2230, 400 Seventh Street, S.W., Washington, D.C.

Purpose: To permit Ford Motor Company and other interested parties to present data, views and arguments concerning an NHTSA determination that the front seat backs of 1971–1974 Capris, the headlight switches in 1971–1972 models, and the floor-mounted gear shift levers in 1971–1974 and 1976–1978 models equipped with manual transmissions are subject to failure, which can result in injuries, deaths and property damage.

Coordinator: JoAnn Murianka, Enforcement (NEF–01), 202–426–2850.

September 19–21, 1979

Occupant protection workshop for State officials

Seattle, Washington.

Purpose: The NHTSA manual on safety belt usage prepared to assist States to develop comprehensive Safety Belt Usage programs will be introduced to appropriate State officials.

Coordinator: James L. Nichols, Traffic Safety Programs (NTS–14), 202–426–2180.

September 24, 1979

Evaluation of feasibility of a single beam headlighting system; final contractor briefing

DOT Headquarters Building, Room 2230, Washington, D.C.

Purpose: To report results of a research study designed to determine the parameters of beam patterns for improved low beam headlamps.

Coordinator: Michael Perel, Research and Development (NRD–41), 202–755–8753.

September 26, 1979

Public hearing on Fiat Rusting Defects

DOT Headquarters Building, Room 2230, Washington, D.C.

Purpose: To determine Whether Fiat has reasonably met its obligations in carrying out a recent recall campaign for excessive rust and corrosion on the undercarriage of its 1970–1971 Model 850 Spyder vehicles. In addition, the hearing will address NHTSA's recent reinstatement of an initial determination that a safety related defect exists in 1970–1974 Fiat Model 124 vehicles due to a similar rusting problem. Interested parties, including consumers, will be given the opportunity to present testimony, data and information on both issues.

Coordinator: JoAnn Murianka, Enforcement (NEF–01), 202–426–2850.

September 27–28, 1979

National Highway Safety Advisory Committee, orientation for new members

DOT Headquarters Building, Washington, D.C.

Purpose: Orientation session on various aspects of highway safety for members of the National Highway Safety Advisory Committee and other interested individuals.

Coordinator: Robert Doherty, Executive Secretariat (NOA–11), 202–426–2872.

October 4, 1979

Public Hearing on GM jack defects.

10:00 a.m.

DOT Headquarters Building, Room 2230, Washington, D.C.

Purpose: Determination has been made that a safety related defect exists in the original equipment jack provided with certain 1975 and 1976 Chevrolet and GMC light duty trucks. This meeting has been scheduled to allow General Motors to present its data, views and arguments in the case. Interested individuals also will have the opportunity to present their views and persons who want to participate in the meeting should contact meeting coordinator before September 28 to schedule their presentations.

Coordinator: JoAnn Murianka, Enforcement (NEF–01), 202–426–2850.

October 1979–December 1980

NHTSA-Public-Industry technical meetings

EPA Environmental Laboratory Facility, Ann Arbor, Michigan.

Purpose: Technical, interpretative or procedural questions from the public and industry regarding NHTSA's bumper, vehicle safety and consumer information program will be answered. Questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. Scheduled meetings for 1979: *October 10 and December 5.* In addition, four meetings are planned for 1980, to be held three months apart, alternating between Washington, D.C. and Ann Arbor, Michigan.

Coordinator: Wm. H. Marsh, Executive Secretariat (NOA–10), 202–426–2872.

October 23–25, 1979

National Highway Safety Advisory Committee meeting

DOT Headquarters Building, Washington, D.C.
Purpose: Progress reports of the Committee's task forces will be heard. Reports and recommendations for the Secretary of Transportation may be prepared.
Coordinator: Robert Doherty, Executive Secretariat (NOA–11), 202–426–2872

October 31–November 2, 1979

Fatal accident reporting system annual workshop

Phoenix, Arizona.
Purpose: To solve interpretation and operations problems and to provide a mechanism for installing system changes and updating training. This is a regularly scheduled working meeting of FARS State Analysts and NHTSA regional and headquarters technical managers.
Coordinator: Robert Schweitz, Research and Development (NRD–33), 202–426–4844.

October 31–November 2, 1979

International Conference on Automotive Fuel Economy Research

Sheraton National Hotel, Arlington, Virginia.
Purpose: This first International Conference on fuel economy will allow all interested countries to present their fuel economy research programs, exchange information, meet their counterparts and discuss mutual problem areas with the goal of improving cooperative efforts among the countries participating.
Coordinator: James C. Shively, Research and Development (NRD–10), 202–426–2957.

November 7–8, 1979

Biomechanics Advisory Committee meeting

DOT Headquarters Building, Washington, D.C.
Purpose: This Committee reviews NHTSA's procedures, programs and projects requiring the use of live and deceased humans for research in order to validate the need for such use, to minimize the risk of injury to volunteers, and to assure the rights and dignity of the subjects.
Coordinator: Kathy Hasse, Executive Secretariat (NOA–11), 202–426–2872.

November 1979

Public hearing on proposed light truck average fuel economy standard

Washington, D.C.
Purpose: Public comments on the proposed fuel economy standard for light trucks and vans will be received.
Coordinator: Frank Turpin, Rulemaking (NRM–12), 202–472–6902.

December 10–12, 1979

National Conference on Child Passenger Protection

Sheraton-Park Hotel, Washington, D.C.
Purpose: Specialists in the field of highway safety and child development will meet to exchange information on ways to increase the use of child restraints designed for motor vehicles.
Coordinator: Elaine Winestein, Traffic Safety Programs (NTS–14), 202–426–2180.

December 12–13, 1979

Side Impact Protection Conference

FAA Auditorium, Seventh and Independence Avenue, S.W., Washington, D.C.
Purpose: To provide a public forum for the exchange of information on side impact protection and to inform the public, press, and industry of the status of the NHTSA rulemaking activities in upgrading side impact protection.
Coordinator: William C. Brubaker, Rulemaking (NRM–12), 202–426–2242.

January 1980

Motorcycle accident factors research

DOT Headquarters Building, Washington, D.C.
Purpose: Results of a research study to determine the cause of motorcycle accidents, the causes of injuries, the severity of the injuries and effective methods of reducing accidents, deaths, and injuries will be reported.
Coordinator: Nicholas G. Tsongos, Research and Development (NRD–32), 202–426–4820.

January 15–17, 1980

National Highway Safety Advisory Committee Meeting

DOT Headquarters Building, Washington, D.C.
Purpose: Progress reports of the Committee's task forces will be heard. Reports and recommendations for the Secretary of Transportation may be prepared.
Coordinator: Robert Doherty, Executive Secretariat (NOA–10), 202–426–2872.

January or February 1980

Hearing on pedestrian initial impact protection rulemaking

DOT Headquarters Building, Washington, D.C.
Purpose: Government and private sector response to an NPRM on Pedestrian Safety will be received
Coordinator: Samuel Daniel, Rulemaking (NRM–12), 202–426–2264.

January or February 1980

International symposium on automobile ratings

Washington, D.C.
Purpose: To exchange information on the "state-of-the-art" of automobile ratings. The Symposium will provide a forum for an in-depth examination of the various methods used to rate crashworthiness, damageability and ease of diagnosis and repair. Experienced technical experts, rating groups, insurance and auto industry representatives and consumer representatives will present their views on current and proposed ways used to rate automobiles.
Coordinator: Jack Gillis, Rulemaking (NRM–30), 202–426–1740.

April 1980

Symposium on vehicle aggressivity and compatibility

Washington, D.C.
Purpose: Research on vehicle aggressivity and improved compatibility will be presented. Techniques for testing compliance with vehicle compatibility requirements will be discussed.
Coordinator: James R. Hackney, Research and Development (NRD–12), 202–426–4862.

June 17–19, 1980

National Highway Safety Advisory Committee meeting

DOT Headquarters Building, Washington, D.C.
Purpose: Progress reports of the Committee's task forces will be heard. Reports and recommendations for the Secretary of Transportation may be presented.
Coordinator: Robert Doherty, Executive Secretariat (NOA–11), 202–426–2872.

October 1980

Eighth international technical conference on experimental safety vehicles

Wolfsburg, West Germany
Purpose: The ESV Conferences are conducted to provide a forum for exchanging the results of integrated vehicle development. Various automobile manufacturers, as well as NHTSA Contractors, have designed and developed vehicles which incorporate advanced systems to satisfy national goals in safety, fuel economy, and vehicle emissions. This meeting will be hosted by the Federal Republic of Germany. The Governments of the Federal Republic of Germany, France, Great Britain, Italy, Japan, Sweden and the United States as well as manufacturers of those countries and others will participate.
Coordinator: James C. Shively, Research and Development (NRD–10), 202–426–2957.

October 25–27, 1980

Fatal accident reporting system annual workshop

(Location Undetermined)
Purpose: To solve interpretation and operations problems and to provide a mechanism for installing system changes and updating training. This is a regularly scheduled working meeting of FARS State Analysts and NHTSA regional and headquarters technical managers.
Coordinator: Robert Schweitz, Research and Development (NRD–33), 202–426–4844.

November 1980

Symposium on Motor Vehicle Fuel Economy Research: Contractors' Coordination Meeting

(Location Undetermined)
Purpose: Progress reports on the contracts which have been funded through the Automotive Fuel Economy Research Program will be given. How individual tasks fit into the research and rulemaking program and the thrust of the Automotive Fuel Economy Program will be explained.
Coordinator: Charles Gauthier, Research and Development (NRD–31), 202–426–0289.

April 1981

Second International Conference on automotive fuel economy

(Location Undetermined)

Purpose: Government Status Reports on Automotive Transportation Conservation Programs and reports of research in automotive technology for improved fuel economy will be presented.

Coordinator: James C. Shively, Research and Development (NRD–10), 202–426–2957.

Persons desiring additional information on a particular meeting may write or phone the coordinator indicated above at the following address: The National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on August 29, 1979.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 79–27431 Filed 8–31–79; 8:45 am]

BILLING CODE 4910–59–M

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice explains the denial of a petition for rulemaking submitted by Mr. Cyrus Michaels to require Pontiac Motor Division to equip its passenger cars having power steering and power brakes with mechanical steering and braking "back-up" systems. This notice is published in accordance with section 124 of the National Traffic and Motor Vehicle Safety Act which provides that the reasons for petition denials shall be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Duane Perrin, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2153).

SUPPLEMENTARY INFORMATION: A petition submitted by Mr. Cyrus Michaels stated that while his wife was driving a 1974 Pontiac Grand Prix the engine stalled and caused a power loss to the steering and braking systems. The petition stated that vehicle power loss is a dangerous and common problem, and requested rulemaking to require mechanical steering and braking "back-up systems" for all Pontiac cars equipped with power steering and power brakes.

The agency agrees that power braking systems should be operable under failed-power situations. However, braking regulations currently in effect already require this capability. Safety Standard No. 105–75, *Hydraulic Brake Systems* (49 CFR 571.105–75), established a failed-power brake system requirement for all passenger cars manufactured on or after January 1, 1976. This requirement specifies that an automobile traveling 60 mph shall be capable of stopping within 456 feet under a failed-power situation, with a pedal force not to exceed 150 pounds. Unfortunately, however, the requirement was not applicable to a 1974-model Pontiac.

The NHTSA's Office of Defects Investigation and National Center for Statistics and Analysis have recently conducted a search of their Consumer Letter Complaint File and accident investigation data bank. This search failed to provide a significant number of reports from owners of 1972 through 1976 Pontiacs (or comparable General Motors models) alleging loss of steering and braking power due to vehicle engine stalling. Those complaints that were filed, however, showed the problem to be more prevalent on later model vehicles, possibly due to emission control effects on cold engine driveability (stalling).

Regarding vehicle steering systems, recent NHTSA research entitled "Power Steering Failure Study" showed that the effort required to steer a passenger car after a loss of power to the steering system is not beyond the capabilities of the average vehicle operator. (NHTSA Technical Reference Section, HS–803–032). The study showed that the "surprise factor" to the vehicle operator is the most significant result from loss of steering power.

In consideration of the foregoing, the petition by Mr. Cyrus Michaels is hereby denied. The NHTSA will continue to monitor this subject and may consider further rulemaking at some future date if the problem appears to be worsening.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 106 Pub. L. 93–492, 88 Stat. 1482 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on August 28, 1979.

A. C. Malliaris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 79–27442 Filed 8–31–79; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP79–8; Notice 2]

General Motors Corp.; Receipt of Petition for Inconsequential Noncompliance; Correction

In the Federal Register of August 27, 1979 (44 FR 50126–50127) this agency published a notice of receipt of a petition for inconsequential noncompliance from General Motors Corporation. The comment due date was inadvertently omitted. The comment due date is September 26, 1979.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 29, 1979.

A. C. Malliaris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 79–27432 Filed 8–31–79; 8:45 am]

BILLING CODE 4910–59–M

National Highway Safety Advisory Committee; Orientation Sessions

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 an orientation session for members of the National Highway Safety Advisory Committee and other interested individuals. The sessions will be held at the DOT Headquarters Building in room 8334 on September 28 and 29 starting at 8:00 a.m. on both days.

The sessions will consist of an overview of highway safety programs and the interaction among the National Highway Traffic Safety Administration, the Federal Highway Administration, and the National Transportation Safety Board.

Attendance is open to the interested public but limited to the space available. This orientation session is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, S.W., (DOT Headquarters Building), Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on August 28, 1979.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 79–27346 Filed 8–31–79; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is

hereby given that the Office of Hazardous Materials Regulations of the Materials Transportation Bureau has received the application described herein.

DATES: Comment period closes October 4, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials, Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8260-N	Bayonne Barrel & Drum Co., Newark, N.J.	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion of non-DOT specification tight head 18 gauge steel 55-gallon drums to DOT Specification 17H except for location of markings, for shipment of all commodities presently authorized in a DOT Specification 17H drum. (Modes 1, 2, 3, 4.)
8261-N	Dept. of Army, Washington, D.C.	49 CFR 173.62	To authorize shipment of nitrocellulose nitroglycerin in two-gallon capacity polyethylene jugs sealed with rubber stoppers overpacked in a DOT 15M container. (Mode 1.)
8262-N	Battelle Memorial Institute, Richland, Wash.	49 CFR 173.392(d)(1)(iv)	To authorize a one-time only shipment of part of a pressurized water reactor system generator internally contaminated with 120-160 curies of Group III and Group IV radionuclides at approximately 0.003 millicuries per square centimeter as a radioactive material, low specific activity, n.o.s. (Mode 3.)
8263-N	Hercules Inc., Wilmington, Del.	49 CFR 173.93	To authorize shipment of a propellant explosive, liquid, class B in a 4 mil polyethylene bag overpacked in a DOT Specification 12H fiberboard box (BA-3000). (Mode 1.)
8264-N	Hercules Inc., Wilmington, Del.	49 CFR 713.93	To authorize shipment of propellant explosives, solid, classed as either explosive B or flammable solid, in various types of inside fiber containers, overpacked in DOT-12B boxes or DOT-21C drums (BA-1709 and BA-1709A). (Modes 1, 4.)
8265-N	Hercules Inc., Wilmington, Del.	49 CFR 173.93	To authorize shipment of propellant explosives, solid classed as either explosive B or flammable solid, in various types of inside fiber containers overpacked in DOT-12B boxes or DOT-21C drums (BA-3003 and 3003A). (Modes 1, 4.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on August 29, 1979.

J. R. Grothe,

Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-27433 Filed 8-31-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 79-6]

Commerce in Explosives; List of Explosive Materials

Correction

In Fr Doc. 79-26655, published at page 50422, on Tuesday, August 28, 1979, the following corrections should be made:

1. On page 50423:

a. In the first column, under "E", in the sixth line, "EDGN" should be corrected to read "EGDN";

b. In the first column, under "E", in the 20th line, "Explosive mixtures containing sentitized" should be corrected to read "Explosive mixtures containing sensitized";

c. In the first column, under "F", between the sixth and seventh lines "*G*" should be placed to differentiate the Section G from Section H;

d. In the first column, under "H", in the fifth line, "Hexogen or octogene and a nitrated H-" should be corrected to read "Hexogene or octogene and a nitrated N-";

e. In the second column, under "M", in the first line "Nagnesium" should be corrected to read "Magnesium";

f. In the second column, under "M", in the ninth line "Mononitrotoluene-nitroglycer in mixture" should be corrected to read "Mononitrotoluene-nitroglycerin mixture";

g. In the second column, unde "O", in the fourth line "Organ nitramines" is corrected to read, "Organic nitramines";

h. In the second column, under "P", in the first line "[RDX and Plasticizer]" should be corrected to read "[RDX and plasticizer]";

i. In the second column, under "P", in the seventh line, "nitropentraerythrite . . ." should be corrected to read "nitropentaerythrite . . .";

j. In the third column, under "S", in the last line of the section, "Styphinc acid" should be corrected to read "Styphnic acid";

k. In the third column, under "T", in the third line, "TATB Triaminotrinitrobenzene" should be corrected to read "TATB triaminotrinitrobenzene";

2. On page 50424, in the first column, in the first line, "Signed: July 11, 1979" should be corrected to read "Signed: July 16, 1979";

3. On page 50424, in the first column, the signature "J. R. Dickerson" should be corrected to read "G. R. Dickerson".

BILLING CODE 1505-01-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 20-79]

Series C—1984 Notes; Interest Rates

August 29, 1979.

The Secretary announced on August 28, 1979, that the interest rate on the notes designated Series C–1984, described in Department Circular—Public Debt Series—No. 20–79, dated August 22, 1979, will be 9¼ percent. Interest on the notes will be payable at the rate of 9¼ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 79-27443 Filed 8-31-79; 8:45 am]

BILLING CODE 4810-40-M

Cadmium From Japan; Antidumping; Tentative Determination To Modify or Revoke Dumping Finding

AGENCY: U.S. Treasury Department.

ACTION: Tentative Modification or Revocation of Finding of Dumping.

SUMMARY: This notice is to advise the public that it appears that cadmium from Japan is no longer being sold to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. If this action is made final, imports of this merchandise from Japan on or after the effective date of this notice will no longer be liable for special dumping duties under the Antidumping Act, 1921. Interested persons are invited to comment on this action.

EFFECTIVE DATE: September 4, 1979.

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

SUPPLEMENTARY INFORMATION: A finding of dumping with respect to cadmium from Japan was published as Treasury Decision 72–206 in the **Federal Register** of August 4, 1972 (37 FR 15700).

After due investigation it has been determined tentatively that cadmium from Japan is no longer being, nor is likely to be, sold to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

Statement of Reasons on Which This Tentative Determination is Based

There have been no shipments of cadmium from Japan since April 1974, and no imports of such product into the U.S. since May, 1974. Futhermore, there are no unliquidated entries of such merchandise.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping on cadmium from Japan.

In accordance with § 153.40 Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. A copy of all submissions should be delivered to any counsel who has heretofore represented any parties in these proceedings.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than September 19, 1979. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than October 4, 1979.

This notice is published pursuant to § 153.44(4) of the Customs Regulations (19 CFR 153.44(c)).

David R. Brenner,

Acting General Counsel of the Treasury.

August 27, 1979.

[FR Doc. 79-27422 Filed 8-31-79; 8:45 am]

BILLING CODE 4810-22-M

Portland Cement From Sweden; Antidumping: Tentative Determination To Modify or Revoke Dumping Finding

AGENCY: U.S. Treasury Department.

ACTION: Tentative Revocation of Finding of Dumping.

SUMMARY: This notice is to advise the public that it appears that portland cement, other than white, nonstaining portland cement, in bulk, from Sweden is no longer being sold to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the price of the merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. In addition, the sole manufacturer has given assurances that they are not, and do not intend to resume, selling portland cement, other than white, nonstaining portland cement, in bulk, from Sweden to the United States at less than fair value. Notice is hereby given that the Department of the Treasury intends to revoke this finding. If this action is made final, the finding of dumping covering the subject merchandise from Sweden will be revoked. Interested persons are invited to comment on this action.

EFFECTIVE DATE: September 4, 1979.

FOR FURTHER INFORMATION CONTACT: Al Jemmott, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5492).

SUPPLEMENTARY INFORMATION: A finding of dumping with respect to portland cement, other than white, nonstaining portland cement, in bulk, from Sweden was published as Treasury Decision 55369 in the **Federal Register** on April 14, 1961 (26 FR 3427). On August 15, 1978, the Commissioner of Customs received a petition in proper form on behalf of the Swedish firm of Cementa A.B., requesting the revocation of the dumping finding pursuant to § 153.44(a), Customs Regulations (19 CFR 153.44(a)).

After due investigation, it has been determined tentatively that portland cement, other than white, nonstaining portland cement, in bulk, from Sweden is no longer being, nor likely to be, sold to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

Statement of Reasons on Which This Tentative Determination Is Based

The investigation indicated that there have been no sales of portland cement, other than white, nonstaining portland cement, in bulk, from Sweden to the United States since 1975, and the sole manufacturer has given assurances that they do not intend to resume sales of this merchandise to the United States at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping with respect to portland cement, other than white, nonstaining portland cement, in bulk, from Sweden.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301

Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than September 19, 1979. Requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than October 4, 1979. All persons submitting views or arguments should avoid repetitious and merely cumulative material, and they are reminded of the requirement to include nonconfidential summaries or approximated presentations of all confidential material.

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

David R. Brennan,

Acting General Counsel of the Treasury.

August 27, 1979.

[FR Doc. 79-27421 Filed 8-31-79; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Availability of Summary Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Specially Adapted Housing Program has been completed.

Single copies of the Specially Adapted Housing evaluation are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: August 27, 1979.

By the direction of the Administrator.

John J. Leffler,

Associate Deputy Administrator.

[FR Doc. 79-27394 Filed 8-31-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 79-23657 appearing on page 45283 in the issue of Wednesday, August 1, 1979, make the following corrections:

(1) In the third column of page 45283, below the heading "Motor Carriers of Property" insert the designation "Volume No. 127".

(2) In the third column of page 45290, directly above the paragraph for MC 134289, insert the designation "Volume No. 138".

BILLING CODE 1505-01-M

[Notice No. 149]

Motor Carrier Temporary Authority Applications

August 16, 1979.

Important Notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount the type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2934 (Sub-32TA), filed July 27, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., P.O. Box 107B, Indianapolis, IN 46206. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Microfoam and related articles (except commodities in bulk in tank vehicles)* from the facilities of E.I. du Pont de Nemours, at or near Wurtland, KY, to points and places in ME, NH, CT, DE, IL, IN, MD, MA, MI, NJ, NY, OH, PA, RI, VT, WV and WI for 180 days. Supporting Shipper: E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898. Send Protest To: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohion Street, Room 429, Indianapolis, IN 46204.

MC (Sub-25TA), filed July 23, 1979. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and IL 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Iron and steel articles, materials, equipment and supplies used in the manufacturing, processing, sales, and distribution of iron and steel articles;* (1) Between Bartonville, IL, on the one hand, and on the other, points in IA, MN, WI, NE, KS, MO, IN, OH, KY, SD, and ND; (2) Between Crawfordsville, IN, on the one hand, and on the other, points in IL, KY, MO, KS, MN, and WI; (3) Between Chicago Heights, IL, on the one hand, and on the other, points in WI, KY, KS, IA, and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Consolidated Industries, Inc., 7000 S. W. Adams St., Peoria, IL 61641. Send protests to: David Hunt, TA, Room 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 2934 (Sub-33TA), filed July 27, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Indianapolis, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Sofa or couch lounge frames, iron or steel, furniture and related products* from Elizabeth, NJ and points within 25 miles, to Columbus, OH, for 180 days. Supporting shipper: Simmons Company, Brunswick Avenue, Elizabeth, NJ 07207. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204.

MC 9325 (Sub-79TA), filed July 17, 1979. Applicant: K LINES, INC., 17765 S. W. Boones Ferry Road, Portland, Oregon 97201. Representative: John A. Anderson, Suite 1440–200 S. W. Market St., Portland, Oregon 97201. Sodium Phosphate, in bulk, from points in Alameda County, CA to Longview, WA for 180 days. Supporting shipper(s): FMC Corporation, 2000 Market Street, Philadelphia, PA 19103, 215–299–6117. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, 114 Pioneer Courthouse,

555 S. W. Yamhill Street, Portland, Oregon 97204.

MC 14215 (Sub-57TA), filed July 5, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Refractories and refractory products including materials used in the installation thereof,* from the plantsite of North American Refractories, Farber, MO, in the county of Audrain, to AR, AL, DC, DE, FL, GA, IL, IN, KY, LA, MD, MI, MS, NC, NJ, NY, OH, PA, SC, TN, VA, and WV; and the return of materials and supplies used or useful in the manufacture of refractory products for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North American Refractories Co., 900 Hanna Bldg. E., 14 and Euclid, Cleveland, OH 44115. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 14215 (Sub-58TA), filed July 5, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Coal tar pitch, in bulk, in dump vehicles,* from Follansbee, WV and Youngstown, OH to St. Marys, PA, Punxsutawney, PA and Niagara Falls, NY for 180 days. An underlying seeks 90 days authority. Supporting shipper(s): Koppers Co., Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 14215 (Sub-59TA), filed July 17, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43212. Representative: John L. Alden, 1396 West Fifth Avenue, Columbus, OH 43212. *Iron and steel and iron and steel articles,* from the facilities of Weirton Steel (A division of National Steel Corp.) at Weirton, WV and Steubenville, OH to Fredericksburg, Lynchburg, Manassas, Orange, Richmond, Roanoke, and Virginia Beach, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weirton Steel, 3 Springs Road, Weirton, WV 26062. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 14215 (Sub—60TA), filed July 24, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Iron and steel and iron and steel articles, and materials used in their manufacture, except commodities in bulk, in tank vehicles* between the plantsite of Crucible, Inc., Div. of Colt Industries at Midland, PA on the one hand, and, on the other, CT, GA, IL, IN, KY, MD, MA, MO, NJ, NY, OH, RI, TN, VA and WV for 180 days. Supporting shipper(s): Crucible Inc., Div. of Colt Industries, P.O. Box 226, Midland, PA 15059. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 19945 (Sub-74TA), filed July 20, 1979. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Joseph R. Behnken (same address as applicant). *Coke, in bulk,* from the plantsite and storage facilities of Great Lakes Carbon Corp.-MO Cok and Chemical Division, St. Louis, MO to points in IL, IN, IA, MI, MN, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Great Lakes Carbon Corporation, 299 Park Ave., New York, NY 10017. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 30844 (Sub-653TA), filed July 24, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702. Representative: John P. Rhodes, same as applicant. *Incandescent electric lamp bulbs without fittings or filaments* from Lexington, KY to Newark, NJ; Kernston, VA and points in Trumball and Mahoning Counties, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Electric Co., Nela Park Noble Rd., Cleveland, OH 44112. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 30845 (Sub-8TA), filed July 31, 1979. Applicant: ROBERT M. JOHNSON, NANNIE LEE JOHNSON AND MARY PITTMAN D/B/A ELLIS MOVING & STORAGE, 215 Fatherland St., P.O. Box 23295, Nashville, TN 37202. Representative: John G. Hardeman, 618 United American Bank Bldg, Nashville, TN 37219. *Electronic products* from Owensboro, KY to Poughkeepsie, NY, for 180 days. Supporting shipper(s): General Electronic Corporation, 250 E. Main Street, Hendersonville, TN 37075. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 42405 (Sub-40TA), filed July 20, 1979. Applicant: MISTLETOE EXPRESS SERVICE, P.O. Box 25614, Oklahoma City, OK 73125. Representive: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Common* carrier: *regulation* route; *general commodities* (except Classes A and B explosive), moving . . . express service, (1) between Little Rock, AR and Fordyce, AR: from Little Rock over U.S. Hwy 167 to Fordyce: (2) between Springdale, AR and Alpena, AR: from Springdale over AR Hwy 68 to Alpena; (3) between Harrison, AR and Conway, AR: from Harrison over US Hwy 65 to Conway; (4) between junction US Hwy 65 with US Hwy 62 and junction US Hwy 63 with US Hwy 61: from junction US Hwy 65 with US Hwy 62 over with US Hwy 62 to junction with US Hwy 63, then over US Hwy 63 to junction with US Hwy 61; (5) between Little Rock, AR and Piggott, AR: from Little Rock over US Hwy 67 to Corning, AR, then over US Hwy 62 to Piggott; (6) between Walnut Ridge, AR and Paragould, AR: from Walnut Ridge over AR Hwy 25 to Paragould; (7) between Piggott, AR and Caruthersville, MO: from Piggott over US Hwy 62 to junction with AR Hwy 139, then over AR Hwy 139 to junction AR Hwy 90, then over AR Hwy 90 to junction MO Hwy 84, then over MO Hwy 84 to Caruthersville; (8) between Caruthersville over County Hwy U to junction with I–55; from Caruthersville over County Hwy U to junction with I–55; (9) between junction I–55 with MO Hwy 84 and Memphis, TN: from junction on I–55 with MO Hwy 84 over I–55 to Memphis; (10) from Piggott, AR and Forrest City, AR from Piggott over AR Hwy 1 to Forrest City; (11) between Bringley, AR and Jonesboro, AR: from Brinkey over AR Hwy 39 to Jonesboro; (12) between Blytheville, AR and West Memphis, AR: from Blytheville over U.S. Hwy 61 junction with AR Hwy 77, then over AR Hwy 77 to West Memphis; (13) between Bald Knob, Ar and Marion, AR: from Bald Knob over U.S. Hwy 64 to Marion; (14) between Little Rock, AR and Memphis, TN: from Little Rock over I–40 and US Hwy 70 to Memphis; (15) between Tecumseh, OK and junction OK Hwy 99 with OK Hwy 39: from Tecumseh over US Hwy 270 to junction with OK Hwy 9A, then over OK Hwy 9A to junction with OK Hwy 39, then over OK Hwy 39 to junction with OK Hwy 99, (16) between junction Ok Hwy 58 with US Hwy 270 and junction OK Hwy 58 with US Hwy 60; from junction OK Hwy 58 with US Hwy 270 over OK Hwy 58 to junction US HWy 60; (17) between Canton, OK and junction OK Hwy 51 with US Hwy 270: from Canton, OK over OK Hwy 51 to junction US Hwy 270. Return over these same routes, serving all intermediate points and commercial zones. Applicant intends to tack the authority requested with its existing authority, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 150 supporting shipper statements. They may be examined at the field office listed below or at Headquaters. Send protests to: Connie Stanley, ICC, Rm.

240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 52704 (Sub-239TA), filed July 19, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *(1) Malt beverages and related advertising materials* (except in bulk), from the facilities of Miller Brewing Company at or near Albany, GA, to points in the United States in and east of WI, IL MO, OK, and TX (except points in CT, ME, MA, NH, RI and VT); and *(2) Materials, equipment and supplies used in the manufacture, sale or distribution of malt beverages* (except commodities in bulk), from points in the United States in and east of WI, IL, MO, OK and TX (except points CT, ME, MA, NH, RI and VT), to the facilities of Miller Brewing Company at or near Albany, GA, for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53208. Send protest to: Mabel E. Holston, T/A, ICC, Room 1616–2121 Building, Birmingham, AL 35203.

MC 53965 (Sub-162TA), filed July 18, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, Salina, KS 76401. Representative: Bruce A. Bullock, same as above. (1) *Pizza and pizza ingredients,* and (2) *material and supplies used in the manufacture and distribution of pizza and pizza ingredients,* between the facilities of Tony's Pizza Service at or near Salina, KS, on the one hand, and, on the other, points in PA, SC, NC, GA, AL, MS, TN, KY, OH, IN, MI, IL, WI, NM, IA, MO, AR, LA, TX, OK, NE, SD, MN, ND, MT, WY, CO, AZ, UT, ID, WA, OR, NV, and CA. Supporting shipper(s): Tony's Pizza Service—Subsidiary of Schwan Sales Enterprises, Inc., 115 West College Drive, Marshall, MN 56258. Send protest to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 58035 (Sub-22TA), filed July 24, 1979. Applicant: TRANS–WESTERN EXPRESS, LTD., 48 East 56th Ave., Denver, CO 80216. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. *Scrap metals,* from the facilities of Liss Metals, Inc. in Larimer and Weld Counties, CO to Chicago and Joliet, IL for 180 days. Supporting shipper(s): Liss Metals, Inc., 301 Air Park Drive, Fort Collins, CO. Send protest to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 59655 (Sub-27TA), filed July 31, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime kiln Road, Suffern, NY 10901. Representative: George A. Olsen, POB 357, Gladstone, NJ 07934. *Malt beverages and related advertising materials, and materials, equipment, and supplies used in the manufacture and sale of malt beverages,* between Rochester, NY, on the one hand, and, on the other, Taftville, CT; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Levine Distributing Company, Inc., 505 Norwich Ave., Taftville, CT 06380. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 61445 (Sub-17TA), filed July 23, 1979. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Iron and steel articles,* from PA, NJ; Cayuga, Suffolk and Nassau Counties, NY; Bridgeport, CT; Baltimore, MD; Norfolk, Richmond, and Roanoke, VA; and Darlington, SC; to CT, DC, DE, MA, MD, ME, NC, NH, NJ, NY, PA, SC, VA, and VT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Steel Supply Co., 1800 E. Byberry Rd., Phila., PA 19116. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 65895 (Sub-11TA), filed July 30, 1979. Applicant: REDDAWAY'S TRUCK LINE, 1721 N. W. Northrup, Portland, OR 97210. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210, 503–226–3755. (1) *General commodities,* except those of unusual value, Class A and B explosives, and those injurious or contaminating to other lading, in containers and trailers, (2) *empty trailers and containers* between Grants Pass, OR, Halsey, OR, Springfield, OR, Longview, WA, and Tacoma, WA, and their commercial zones. Restricted to traffic having a prior or subsequent movement by water. For 180 days. Supporting shipper(s): Totem Ocean Trailer Express, Inc., P.O. Box 24908, Seattle, WA 98124. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 94265 (Sub-315TA), filed July 20, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., Route 460 West, P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 72434, Atlanta, GA 30328. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I of the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Peter Eckrich & Sons, Inc., in Allen Township, MI, to points in MS and FL, restricted to the transportation of traffic originating at the above named origin, for 180 days. Supportins shipper(s): Peter Eckrich & Sons, Inc., 455 Squires Rd., Quincy, MI 49082. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620. Philadelphia, PA 19106.

MC 95084 (Sub-144TA), filed July 18, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Lumber, from AR and LA to points in IL, IA, KS, MN, MO, NE, ND, OK, SD, and WI, for 180 days. Supporting shipper(s): Continental Lumber Co., Inc., 116 North Main, Halstead, KS 67056. Send protests to: Herbert W. Allen D/S, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, IA 50309.

MC 95084 (Sub-145TA), filed July 27, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *(1) Irrigation systems, (2) Parts for irrigation systems, (3) Solar energy systems, fuel burning heating appliances, parts and accessories used in the installation, operation and maintenance of such systems or appliances, (4) Pipe, tubing, poles and such materials, equipment and supplies as are used in the installation and maintenance thereof, (5) iron and streel articles, (6) Accessories, equipment, materials and supplies used in the manufacture or assembly of the commodities described in (1) through (5) above, (7) Used irrigation systems and parts thereof,* between the facilities of Valmont Industries, Inc., at or near Valley, NE on the one hand, and, on the other, points in and East of ND, SD, NE, KS, OK, TX, including all international border crossing points for 180 days. Supporting shipper(s): Valmont Industries, Inc., Valley, NE 68064. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107515 (Sub-1268TA), filed July 5, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, 3390 Peach Road, Atlanta, GA 30326. *Plastic and plastic articles (except in bulk)* from Trenton, TN to Bedford Park, IL and points in NC, SC, GA, AL, MS, AR, FL, PA and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Universal Packing Corp., Kellwood Drive Trenton, TN 38282. Send protests to: Sara K. Davis, T/A, ICC, 1252 W.

Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1269TA), filed July 11, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor-Lenox Towers South, 3390 Peachtree Rd, Atlanta, GA 30326. *Animal feed and feed ingredients (except commodities in bulk)* from Birmingham, AL to facilities of Kal Kan Foods, Inc. at or near Columbus, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kal Kan Foods, Inc. 3386 E. 44th St., Vermon, CA 90059. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1270TA), filed July 18, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby & Richard M. Tettelbaum, 5th Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Bakery goods* from Athens and Bogart, GA to points in the U.S. (except AK, CO, GA, HI, ID, MT, NV, OR, UT, WA and WY) for 180 days, An underlying ETA seeks 90 days authority. Supporting shipper: Benson's Inc., P.O. Box 216, Douglasville, PA 19518. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1271TA), filed July 18, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Lighting fixtures and/or parts thereof* from the facilities of Lithonia Lighting, Div. of National Service Industries, Inc. at or near Cochran and Conyers, GA to points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lithonia Lighting, Div. of National Service Industries, Inc., P.O. Box H, 1400 Lester Rd., Conyers, GA 30207. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1272TA), filed July 18, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Drugs, medicines, intravenous solutions and administration sets in vehicles equipped with mechanical refrigeration* from facilities of Travenol Laboratories, Inc. located in the Los Angeles, CA commercial zone to points in the commercial zones of Boston, MA, Pittsburgh, PA, Cleveland, OH and Baltimore, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Travenol Laboratories, Inc., 1 Baxter Parkway, Deerfield, IL 60015. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1273TA), filed July 30, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby & Marc A. Pearl, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, NE., Atlanta, GA 30326. *Footwear and footwear accessories and footwear display cabinets and cases,* from facilities of Meldisco Shoe Co., Morrow, GA, to points in TX. An underlying ETA seeks 90 days authority. Supporting shipper(s): Meldisco Shoe Company, 1100 Commerce Rd., Morrow, GA 30260. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 109515 (Sub-17TA), filed July 23, 1979. Applicant: OZELLA HARRINGTON, an individual, P.O. Box 604, Benson, AZ 85602. Representative: Earl H. Carroll, 363 N. 1st Ave., Phoenix, AZ 85003. Contract carrier, irregular routes, *Nitric acid,* in bulk, from Curtiss, AZ to Henderson, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Apache Powder Co., P.O. Box 700, Benson, AZ 85602. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix AZ 85025.

MC 109584 (Sub-198TA), filed August 2, 1979. Applicant: ARIZONA PACIFIC TANK LINES, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Liquid trace minerals,* in bulk, in tank vehicles, from Anaheim, CA to points in ID, OR and WA for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Delst Chemical & Research, Inc., P.O. Box 2392, Fullerton, CA 92633. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 111045 (Sub-176TA), filed July 27, 1979. Applicant: REDWING CARRIERS, INC., 8515 Palm River Rd., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). *Acrylonitrile,* in bulk, in tank vehicles, from Avondale, LA to Pace, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, Berdan Ave., Wayne, NJ 07470. Send protests to: Donna M. Jones, T/A, ICC—BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 111485 (Sub-27TA), filed July 12, 1979. Applicant: PASCHALL TRUCK LINES INC., Route #4, Murray, KY 42071. Representative: John M. Ballenger, P. O. Box 11278, Alexandria, VA 22312. *Common Carrier: Regular Routes: General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Paducah, KY, and points in its commercial zone as off-route points in connection with applicant's existing regular routes, for 180 days. Applicant intends to tack the authority here applied for to authority held by it in MC–111485 Sub-7 and Sub-10, and further intends to interline with other carriers at Memphis and Nashville, TN; St. Louis, MO; Louisville and Paducah, KY; and Paris, TN. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 97 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC or copies thereof may be examined at the field office named below. Send protests to: Floyd A. Johnson, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 111545 (Sub-290TA), filed July 19, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P. O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same as applicant). (1) *Trailers designed to be drawn by passenger automobiles (except travel trailers and camping trailers) in initial movements and* (2) *buildings, complete or in sections, mounted on wheeled undercarriages* from the facilities of Moduline (Minnesota), Inc. at or near Montevideo, NM to Manitowoc, WI, Rapid City, SD, Forest City, IA, Billings, MT, Mt. Pleasant, IA, Minot, ND, Sheridan, WY, Havre, MT and Williston, ND for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moduline (Minnesota), Inc., P. O. Box 147, Montevideo, MN 56265. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm 300, Atlanta, GA 30309.

MC –112304 (Sub-204TA), filed July 5, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Aluminum and aluminum products* from the facilities of Revere Copper & Brass, Inc., at or near Scottsboro, AL, to points in CT, DE, DC, IL, IN, IA, KY, MD, MA, MI (lower Peninsula), MO, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV and WI; and,

from Omal, OH, to Scottsboro, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Revere Copper & Brass, Inc., Box 191, Rome, NY 13440. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112304 (Sub-205TA), filed July 20, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (Same as applicant). *Aluminum chloride, in drums* between the facilities of Ascension Chemical Co. of America Corp., at Tonawanda, NY, on the one hand, and, on the other, the facilities of Ascension Chemical Co. of Texas, Inc., at or near Huntsville, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ascension Chemical of America Corp., 4000 River Rd., Tonawanda, NY 14150; Ascension Chemical Co. of Texas, Inc., P.O. Box 188–19, Huntsville, TX 77340. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 113434 (Sub-141TA), filed April 23, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A–5253 144th Avenue, Holland, MI 49423. Representative: Roger Van Wyk, A–5253 144th Avenue, Holland, MI 49423. *Such commodities as are dealt in or used by manufacturers of glass containers* (except in bulk); from the facilities of Glenshaw Glass Company, Inc., Glenshaw, PA, to the states of IL, IN, OH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glenshaw Glass Co. Inc., 1101 Wm Flinn Hwy, Glenshaw, PA 15116. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 113784 (Sub-89TA), filed July 24, 1979. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton, Ontario L8L 4M1. Representative: Douglas R. Gowland (address same as above). *Soda Ash in pneumatic tank,* from ports of entry on the U.S.-Canadian boundary line located on the Detroit and St. Clair Rivers to Morenci, MI., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Chemical Canada, Ltd., P.O. Box 2000, Amherstburg, Ontario. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC114045 (Sub-545TA), filed July 23, 1979. Applicant: TRANS—COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart, P.O. Box 61228, Dallas, TX 75261. *Foodstuffs (except in bulk)* between the facilities of Wetterau, Inc. at or near St. Louis, MO on the one hand, and on the other, points west of the Mississippi River for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wetterau Incorporated, 8920 Pershall Road, Hazelwood, MO 63042. Send protests to: Opal M. Jones, 9A27 Federal Building, 819 Taylor St., Fort Worth, TX 76102.

MC114274 (Sub-68TA), filed July 18, 1979. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Paper and paper products and materials, equipment and supplies used and useful in the manufacture and shipping of paper and paper products, from Plattsburg and Lyons Falls, NY, and Gilman, VT, to IL, IN, IA, and MI, for 180 days. Supporting shipper(s): Georgia-Pacific Corporation, 800 Summer St., Stamford, CT 06901. Send protests to: Herbert W. Allen D/S, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, IA 50309.

MC114334 (Sub-58TA), filed July 26, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles* from the facilities of Chapparal Steel Company at or near Midlothian, TX to points in TN, AL and MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chapparal Steel Company, P.O. Box 1100, Midlothian, TX 76065. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 115654 (Sub-156TA), filed July 23, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry Seaton, 929 Pennsylvania Building, 425 Thirteenth St. N.W., Washington, DC 20004. *Sugar (except in bulk),* from Supreme, LA to points in AR, MO, IL, IN, OH, KY, TN, GA, AL and MS, for 180 days. Supporting shipper(s): Supreme Sugar Company, Inc., 1 Shell Square, New Orleans, LA 70138. Send protests to: Glenda Kuss, T/A, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115654 (Sub-157TA), filed July 20, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. N.W., Washington, DC 20004. *Foodstuffs and feed ingredients, in vehicles equipped with mechanical refrigeration (except in bulk)* between the facilities of Mid-South Refrigerated Warehouse at or near Memphis, TN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MS, MO, OH, TN, and WV, for 180 days. Supporting shipper(s): Mid-South Refrigerated Warehouse, 1100 E. Parkway S., Memphis, TN 38114. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115654 (Sub-158TA), filed July 25, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. N.W., Washington, DC 20004. *Such commodities as are dealt in by wholesale and retail grocery houses, including Bottlers' Flavoring Compounds (except commodities in bulk) in vehicles equipped with mechanical refrigeration,* from the facilities of General Foods Corporation at or near Memphis, TN, to points in AL, AR, GA, LA, MS, and MO, for 180 days. Restriction: Restricted to the transportation of shipments originating at the facilities named herein and destined to the indicated destinations. Supporting shipper(s): General Foods Corporation, 250 North Street, White Plains, NY 10625. Send protests to: Glenda Kuss, Suite A–422, 801 Broadway, Nashville, TN 37203.

MC 116254 (Sub-281TA), filed August 3, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: M. D. Miller (same address as above). *Gypsum, gypsum products, and building materials,* from the plantsite of U.S. Gypsum Company at or near New Orleans, LA, to AL, AR, FL, GA, MS, and TN for 180 days. Supporting shipper(s): United States Gypsum Company, 53 Perimeter Center East, Atlanta, GA 30346. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 117815 (Sub-328TA), filed July 13, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Charcoal briquettes and wood chips (except commodities in bulk)* from the facilities of The Kingsford Company at Burnside, KY and points in its Commercial Zone, to points in IL, IN, IA, MI, MN, OH, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kingsford Company, 4th and Broadway, Commonwealth 31Bldg.,

Louisville, KY 40201. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 117815 (Sub-329TA), filed July 23, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Frozen Vegetables* from the facilities of Winter Garden, Inc. at or near Bells, Memphis, and Rossville, TN to IL, IN, IA, KS, MI, MN, MO, NE, OH, and WI, for 180 days, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. An underlying ETA seeks 90 days authority. Suporting shipper(s): Winter Garden, Inc., P. O. Box 119, Bells, TN 38006. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119765 (Sub-87TA), filed July 25, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Coffee, tea and non-alcoholic beverages* (1) from Linden, NJ to Anderson and Yorktown, IN; (2) from Morris County, NJ to St. Louis, MO; Houston, TX; and Anderson and Yorktown, IN; and (3) from Houston, TX to St. Louis, MO and Yorktown, IN requesting all above commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dana Brown Private Brands, Inc., 4907 West Pine Blvd, St. Louis, MO 63108. Send protest to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 119934 (Sub-231TA), filed July 11, 1979. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, IN 46040. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Printing ink, in bulk, in tank vehicles, from New Albany, IN to Chicago, Mattoon and Salem, IL; Corinth, MS; New York, NY; Cincinnati, Cleveland, Dayton and Springfield, OH; Gallatin and Memphis, TN; and Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Shipper: Flint Ink Corporation, 25111 Glendale, Detroit, MI 48239. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm 429, Indianapolis, IN 46204.

MC 119974 (Sub-85TA), filed July 24, 1979. Applicant: L. C. L. TRANSIT CO., 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. *Edible and inedible fats, animal oils and products and blends of animal fats and oils,* in bulk, in tank vehicles, from facilities of Geo. A. Hormel & Co. at Davenport, IA to all points in IL, MN, MO, NE, SD & WI, for 180 days. Supporting shipper(s): Geo. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisonsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 123294 (Sub-68TA), filed July 24, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, same address as applicant. *Asphalt filler, in bulk,* from Pigua, OH, to Brookville, IN restricted to shipments originating or destined to the facilities of Owens Corning Fiberglas for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Owens Corning Fiberglas, Toledo, OH. Send protests to: Dave Hunt, T/A 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-27406 Filed 8-31-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Rehabilitation and Betterment Program, Yakima-Tieton Irrigation District, Washington; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior intends to prepare an environmental impact statement on the proposed rehabilitation and betterment of the irrigation facilities of the Yakima-Tieton Irrigation District (YTID) near Yakima, Washington.

The Yakima-Tieton Irrigation District proposes to repalace its 70-year-old open canal irrigation distribution system with a new pressure pipe distribution system. The new system would replace the existing and open canal system with over 200 miles of pipeline. The size of pipe will range from 4 inches to 90 inches in diameter. A regulating reservoir would be constructed at the head of the distribution network. The earthen dam would be approximately 46 feet high and the reservoir would inundate about 23 acres. The new system would require three booster pump stations to provide adequate water pressure to agricultural lands at higher elevation in the district. The pump station power demands would be offset by two in-line hydropower plants in the system. Their total power output of 2,000 kilowatts would more than offset the pumping power demands of the pump stations.

The environmental impact statement will consider the impact of all of the project alternatives. These alternatives include: (1) full pressure system for irrigation service, (2) full presure system modified to provide frost protection to growers willing to pay for the added costs involved, (3) full pressure system for irrigation service with added hydropower production, and (4) a program to rehabilitate portions of the existing canal and pipeline system. The more significant environmental concerns include removal of riparian habitat associated with the existing open canal distribution system and the related effects on wildlife, creation of a small equalizing reservoir to provide controlled flows within the system, impacts during construction, and potential land use changes.

Environmental studies, preparation, and processing of an environmental impact statement for this proposed project will be in accordance with provisions of the National Environmental Policy Act of 1969, and will be accomplished under the Council on Environmental Quality regulations published in the **Federal Register** on November 29, 1978. Accordingly, we are soliciting the participation of Federal, State, and local agencies, affected private groups, and individuals in the determination of significant environmental items to ba analyzed.

An environmental assessment was prepared in 1978 and distributed for review by Federal, State, and local governmental agencies, and other interested organizations. Meetings were held with concerned Federal, State, and local agencies on February 13, 1979, to discuss the scope of the environmental impact statement. Further public meetings and interagency coordination activities will be announced locally as they are scheduled. To further assure that the full range of issues related to this proposal are discussed in the environmental impact statement and all significant issues are identified, comments and suggestions are invited. Interested agencies, organizations, and individuals should write to or contact the Bureau of Reclamation at the address provided below. The contact persone will be:

Douglas J. James, Environmental Statement Coordinator, Bureau of Reclamation, Pacific Northwest Region, Box 043, 550 West Fort Street, Boise, ID 83724, Telephone: 208-384-1208.

Dated: August 24, 1979.

Orrin Ferris,

Acting Commissioner of Reclamation.

[FR Doc. 79-27338 Filed 8-31-79; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

[AA-9205-C and AA-9205-D]

Alaska Native Claims Selection; Decision of August 17, 1979, to Issue Conveyance Amended

The purpose of this decision is to amend the description of lands within Sec. 20, T. 36 S., R. 63 E., Copper River Meridian in the decision dated August 17, 1979.

The description for Sec. 20 now reads:

T. 36 S., R. 63 E., Copper River Meridian;
Sec. 20 (fractional), all.

The description is hereby corrected and amended to read as follows:

T. 36 S., R. 63 E., Copper River Meridian;
Sec. 20 (fractional), excluding Regional 14(h)(1) application AA-10505.

This decision corrects and amends only the description of lands within Sec. 20, T. 36 S., R. 63 E., Copper River Meridian. All other terms and conditions of the August 17, 1979, decision remain unchanged.

Sue Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-27362 Filed 8-31-79; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Additions, Deletions, and Corrections

By notice in the Federal Register of February 6, 1979, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in section with accordance 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

Charles A. Herrington,

Acting Keeper of the National Register.

The following list of properties has been added to the National Register of Historic Places since notice was last given in the February 6, 1979, Federal Register. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; properties recorded by the Historic American Engineering Record are designated by HAER; properties receiving grants-in-aid for historic preservation are designated by G.

ALABAMA

Russell County

Pittsview vicinity, *Glennville Historic District*, S of Pittsview (8-7-79).

ALASKA

Aleutian Islands Division

Aleutian Islands, *Temnac P-38G Lightning (aircraft)* (6-26-79).
Atka vicinity, *Atka B-24D Liberator (aircraft)* (7-26-79).

Ketchikan Division

Saxman, *Saxman Totem Park (AHRS KET-060)* S. Tongass Hwy. (8-7-79).

ARIZONA

Maricopa County

Tempe, *Andre Building*, 401-403 S. Mill Ave. (8-10-79).

Pima County

Tucson, *Manning, Levi H., House*, 9 Paseo Redondo (7-27-79).

ARKANSAS

Bradley County

Warren vicinity, *Adams-Leslie House*, S of Warren (8-9-79).

Conway County

Morrilton, *Morrilton Male and Female College*, E. Church St. (8-3-79).

Garland County

Hot Springs, *Citizens Building*, 723 Central Ave. (8-9-79).

Jackson County

Newport, *Jackson County Jail*, 503 3rd St. (8-10-79).

Jefferson County

Pine Bluff, *Hotel Pines*, Main St. and W. 5th Ave. (8-10-79).

Lee County

Marianna, *Elks Club*, 67 W. Main St. (7-27-79).

Pulaski County

Little Rock, *Marshall Square Historic District*, Bounded by 17th, McAlmont, 18th, and Vance Sts. (8-10-79).

Little Rock, *Waters, Charles Clary, House*, 2004 W. 22nd St. (8-10-79).

Sebastian County

Fort Smith, *Breckinridge, C. R., House*, 504 N. 16th St. (8-7-79).
Fort Smith, *Murphy, William J., House*, 923 N. 13th St. (8-7-79).

CALIFORNIA

Los Angeles County

Los Angeles, *Spring Street Financial District*, 354-704 S. Spring St. (8-10-79).
Los Angeles, *Wilton Historic District*, S. Wilton Pl., S. Wilton Dr., and Ridgewood Pl. (7-24-79).

Ventura County

Ventura, *Olivas Adobe*, 4200 Olivas Park Dr. (7-24-79).

COLORADO

Adams County

Westminster, *Westminster University*, 3455 W. 83rd Ave. (8-10-79).

Denver County

Denver, *Enterprise Hill Historic District*, Bounded by 21st and 22nd Aves., Tremont and Glenarm Pls. (8-9-79).
Denver, *Field, Thomas M., House (Colorado State Home for Dependent Children)* 2305 S. Washington St. (8-10-79).

El Paso County

Colorado Springs, *Rio Grande Engine No. 168*, 9 S. Sierra Madre (8-10-79).
Manitou Springs, *Manitou Bathhouse*, 934 Manitou Ave. (8-1-79).

CONNECTICUT

Fairfield County

Fairfield, *Ogden, David, House*, 1520 Bronson Rd. (8-17-79).
Stamford, *Octagon House*, 120 Strawberry Hill Ave. (8-17-79).

Hartford County

Enfield, *Enfield Historic District*, 1106-1492 Enfield St. (8-10-79).
Hartford, *Union Baptist Church (St. Thomas's Church*, 1913 and 1921 Main St. (8-15-79).

Middlesex County

Cromwell, *Middletown Upper Houses Historic District*, CT 99 (7-27-79).
Middletown, *Church of the Holy Trinity and Rectory*, 381 Main St. and 144 Broad St. (8-14-79).

New Haven County

New Haven, *Goffe Street Special School for Colored Children*, 106 Goffe St. (8-17-79).

New London County

Noank, *Noank Historic District*, CT 215 (8-10-79).

DELAWARE

Kent County

Felton vicinity, *Hughes Early Man Sites (7-24-79).*

New Castle County

Wilmington, *Baynard Boulevard Historic District*, Baynard Blvd. between 18th St. and Concord Ave. (7-26-79).

Sussex County

Fenwick Island, *Fenwick Island Lighthouse Station*, Off DE 54 (8-13-79).
Georgetown, *Richards Mansion*, N. Bedford St. and the Circle (7-26-79).

GEORGIA

Troup County

LaGrange, *Ferrell-Holder House*, 1402 Vernon Rd. (8-14-79).

Warren County

Warrenton, *Roberts-McGregor House*, Depot St. (8-14-79).

Ada County

Boise, *Artesian Water Co. Pumphouse and Wells*, Off ID 21 (7-26-79).

Kootenai County

Coeur d'Alene, *Coeur d'alene City Hall*, 5th and Sherman Sts. (8-3-79).

Oneida County

Malad, *Malad Second Ward Tabernacle*, 20 S. 100 W. St. (7-27-79).

Shoshone County

Wallace, *Wallace Historic District*, Roughly bounded by Pine, Bank, 5th and 7th Sts. (8-10-79).

ILLINOIS

Cook County

La Grange, *La Grange Village Historic District*, U.S. 12/20/45 (8-8-79).

DuPage County

Winfield, *Besch House*, O S 070 Church St. (7-27-79).

Kane County

Wayne, *Oaklawn Farm*, Army Trail and Dunham Rds. (7-26-79).

Macon County

Decatur, *Millikin Building*, 100 N. Water St. (7-24-79).

Madison County

Edwardsville, *LeClaire Historic District*, Roughly bounded by RR tracks, Wolf St., Hadley and Madison Aves. (8-8-79).

St. Clair County

East St. Louis, *Pennsylvania Avenue Historic District*, Pennsylvania Ave. (7-27-79).

Vermilion county

Danville vicinity, *Collins Archeological District* (8-3-79).

Whiteside County

Sterling vicinity, *McCune Mound and Village Site* (8-16-79).

INDIANA

Fulton County

Rochester, *Smith, John W., House*, 730 Pontiac St. (7-26-79).

IOWA

Jackson County

Canton, *Canton School*, South St. (7-24-79).

KENTUCKY

Bourbon County

Paris vicinity, *Sacred Home (Robinson-Breckinridge House)* W of Paris on Hume-Bedford Rd. (8-9-79).

Clark County

Clark County Multiple Resource AREA (Partial Inventory), This area includes various properties at various locations. Details available upon request. (8-1-79).

Daviess County

Owensboro, *Union Station*, 1039 Frederica St. (8-1-79).

Fayette County

Lexington, *Stony Point*, 4935 Parkers Mill Rd. (8-7-79).
Lexington vicinity, *Bowman Houses*, W of Lexington on Bowman's Mill Rd. (8-9-79)

Scott County

Georgetown *Georgetown College Historic Buildings*, E. Jackson St. (8-8-79).

LOUISIANA

Avoyelles Parish

Bunkie, *Bailey Theatre*, Oak St. (7-26-79).

Caddo Parish

Shreveport, *Lewis House*, 675 Jordan St. (7-27-79).

Concordia Parish

Ferriday vicinity, *Lisburn Plantation House*, SE of Ferriday (7-26-79).

Iberia Parish

New Iberia, *Steamboat House*, 623 E. Main St. (7-27-79).

Lafayette Parish

Lafayette, *St. John's Cathedral*, St. John St. (7-27-79).

Orleans Parish

New Orleans, *Grant-Black House*, 3932 St. Charles Ave. (7-26-79).

Pointe Coupee Parish

LaCour, *LaCour, Ovide, Store*, LA 419 (7-27-79).

Rapides Parish

Alexandria, *Hirsch, Mayer, House*, 1216 Jackson St. (7-26-79).

Sabine Parish

Fisher, *Fisher Historic District*, Roughly bounded by 4 L Dr., 3rd Ave., S. 2nd and North Sts. (7-27-79).

St. Martin Parish

St. Martinville, *Old Castillo Hotel*, 220 Port St. (7-24-79).

Tangipahoa Parish

Kentwood, *Tangipahoa Parish Training School Dormitory*, Off LA 38 (7-27-79).

Washington Parish

Bogalusa, *Bogalusa City Hall*, 214 Arkans Hall Ave. (7-26-79).
Bogalusa, *Sullivan House*, 223 S. Border Dr. (7-27-79).

MAINE

Kennebec County

Augusta, *Ellis, Dr. J. W., House*, 62 State St. (8-15-79).

Lincoln County

Damariscotta, *Main Street Historic District*, Main St. (8-10-79).

Sagadahoc County

Phippsburg, *Fort Baldwin Historic Site*, Sabino Hill (8-3-79).

Waldo County

Searsport, *Searsport Historic District*, Main St. (7-27-79).

MARYLAND

Allegany County

Cumberland, *Town Clock Church*, 312 Bedford St. (8-6-79).
Cumberland vicinity, *Union Grove Schoolhouse*, Ne of Cumberland on Mason Rd. (7-24-79).

Anne Arundel County

Linthicum Heights, *Turkey Hill*, 106 W. Maple Rd. (7-24-79).

Baltimore (independent city)

Dorguth Memorial United Methodist Church, Scott and Carroll St. (8-14-79).

Baltimore County

Catonsville, *Summit*, 10 Stanley Dr. (7-24-79).
Lutherville vicinity, *Cloisters, The*, W of Lutherville at 10440 Falls Rd. (8-7-79).

Dorchester County

Taylor's Island, *Grace Episcopal Church Complex*, Hooper Neck Rd. (7-24-79).

Montgomery County

Poolesville vicinity, *Darnall Place*, E of Pooles at 17615 White's Ferry Rd. (8-13-79). HABS.

Queen Anne's County

Stevensville, *Christ Church*, MD 18 (7-24-79).

Worcester County

Snow Hill, *All Hallows Episcopal Church*, 101 N. Church St. (8-6-79).

MICHIGAN

Calhoun County

Marshall, *Emporium*, 154-156 W. Michigan Ave. (8-9-79).

Ionia County

Ionia, *Ionia County Courthouse*, E. Main St. (8-9-79).

Jackson County

Jackson, *Michigan State Prison*, Armory Court and Cooper St. (8-10-79). HAER.

Kalamazoo County

Kalamazoo, *Desenberg Building*, 251 E. Michigan Ave. (8-13-79).
Kalamazoo vicinity, *DeLano, William S., House*, N of Kalamazoo at 555 W. E Ave. (8-9-79).

Macomb County

St. Clair Shores, *Ford, Edsel and Eleanor, House,* 1100 Lakeshore Dr. (7–24–79).

Newaygo County

Croton, *Croton Hydroelectric Plant,* Croton Dam Rd. (8–16–79) HAER.

Oakland County

Waterford, *Waterford Village Historic District,* Dubay and Pontiff Sts., Steffeus, Andersonville and Airport Rds. (8–10–79).

Van Buren County

Paw Paw, *Van Buren County Courthouse Complex,* Paw Paw St. (8–9–79).

Wayne County

Detroit, *Trombly, Charles, House,* 553 E. Jefferson Ave. (8–13–79).

MINNESOTA

Rice County

Faribault, *Cathedral of Our Merciful Saviour,* 515 NW. 2nd Ave. (8–10–79).

MISSISSIPPI

Adams County

Natchez, *Mercer-Laird House,* 118 S. Wall St. (8–9–79).

Claiborne County

Port Gibson, *Port Gibson Multiple Resource Area.* This area includes various properties at various locations. Details available upon request. (7–22–79).

MISSOURI

St. Louis (independent city)

Hadley-Dean Glass Company, 701–705 N. 11th St. (8–1–79).

MONTANA

Deer Lodge County

Anaconda, *Ancient Order of Hibernians Hall,* 321–323 E. Commercial St. (8–10–79).
Anaconda, *City Hall,* 401 E. Commercial St. (8–10–79).

Powell County

Deer Lodge, *Bielenberg, Nick J., House,* 801 Milwaukee Ave. (8–10–79).

NEBRASKA

Douglas County

Omaha, *Omaha Quartermaster Depot Historic District,* Roughly bounded by RR tracks, Woolworth Ave., Hickory, 22nd and 20th Sts. (7–26–79).

NEW HAMPSHIRE

Carroll County

North Conway, *North Conway Depot and Railroad Yard,* Norcross Circle (8–10–79).

NEW JERSEY

Burlington County

Jobstown vicinity, *Rosebud Farm,* E of Jobstown on Springfield Meetinghouse Rd. (8–17–79).
Moorestown vicinity, *Farmer's Hall,* SE of Moorestown on Mt. Laurel Rd. (8–1–79).

Hudson County

Jersey City, *Grace Church Van Vorst,* 268 2nd St. (8–1–79) HABS.

Hunterdon County

Pattenburg vicinity, *Case Farmstead,* W of Pattenburg on SR 14 (8–14–79).

Middlesex County

Highland Park vicinity, *Raritan Landing Archeological District* (8–10–79).

Somerset County

Neshanic, *Neshanic Historic District,* Amwell and Zion Rds. (8–1–79).
Rocky Hill vicinity, *Cat Tail Brook Bridge,* NW of Rocky Hill on Montgomery Rd. (8–1–79).

Sussex County

Branchville vicinity, *Foster-Armstrong House,* N of Branchville on River Rd. (7–23–79) HABS.
Newton, *Sussex County Courthouse,* High and Spring Sts. (7–23–79).
Wallpack Center vicinity, *Gunn, Cornelius, House,* SW of Wallpack Center on Ridge Rd. (7–23–79).
Wallpack Center vicinity, *Layton, Richard, House,* SW of Wallpack Center on Ridge Rd. (7–23–79).
Wallpack Center vicinity, *Shoemaker-Houck Farm,* S of Wallpack Center on Heney's Mill-Wallpack Center Rd. (7–23–79) HABS.
Wallpack Center vicinity, *Snable, Andrew, House,* NE of Wallpack Center on Sandyston-Haney's Mill Rd. (7–23–79).

NEW MEXICO

Colfax County

Springer, *Cowan, R. H., Livery Stable,* 220 Maxwell Ave. (8–3–79).

Mora County

Cleveland, *Cassidy, Daniel, and Sons General Merchandise Store,* NM 3 (8–1–79).
Ocaté, *Strong, J. P., Store,* NM 21 and NM 120 (7–27–79).

San Miguel County

Las Vegas, *Lincoln Park Historic District,* 7th, 8th, Lincoln and Jackson Sts. (8–6–79).
Las Vegas, *Railroad Avenue Historic District,* U.S. 85 (8–6–79).

Santa Fe County

Santa Fe, *Vierra, Carlos, House,* 1002 Old Pecos Trail (8–3–79).

Valencia County

Los Lunas, *Atchison, Topeka, and Santa Fe Railroad Depot,* U.S. 85 (8–1–79).

NEW YORK

Albany County

Cohoes, *Silliman Memorial Presbyterian Church,* Mohawk and Seneca Sts. (8–1–79).

Chenango County

Greene, *Rosekrans Building,* 62 Genessee St. (7–27–79).

Columbia County

Claverack, *van Hoesen, Jan, House,* NY 66 (8–1–79).

Cortland County

Preble vicinity, *Little York Pavilion,* S of Preble off NY 281 (7–27–79).

Dutchess County

Rhinebeck, *Rhinebeck Village Historic District,* U.S. 19 and NY 308 (8–8–79).

Erie County

Buffalo, *Blessed Trinity Roman Catholic Church Buildings,* 317 LeRoy Ave. (8–3–79).

Nassau County

Lattingtown, *Aldred, John E., Estate (Ormston)* Lattingtown Rd. (8–3–79).

Onondaga County

Skaneateles, *Smith, Reuel E., House,* 28 W. Lake St. (7–27–79) HABS.

Putnam County

Brewster, *Old Brewster Town Hall,* Main St. (7–24–79).

Queens County

New York, *Cornell Farmhouse,* 73–50 Little Neck Pkwy. (7–24–79).

Rensselaer County

Rensselaer, *Beverwyck Manor (St. Anthony-on-Hudson Seminary)* Washington Ave. (8–3–79). HABS.
Rensselaer, *Patroon Agent's House and Office,* 15 Forbes Ave. (8–3–79).

NORTH CAROLINA

Alleghany County

Laurel Springs, *Doughton, Robert L., House,* NC 18 (8–13–79).

Transylvania County

Brevard vicinity, *Morgan's Mill,* SW of Brevard on SR 1331 (8–16–79).
Pisgah Forest vicinity, *Deaver, William, House,* N of Pisgah Forest on NC 280 (8–13–79).

Watauga County

Blowing Rock vicinity, *Westglow (Elliott Daingerfield House)* W of Blowing Rock on U.S. 221 (8–13–79).

Yadkin County

Enon vicinity, *Glenwood,* E of Enon on SR 1549 (8–13–79).

NORTH DAKOTA

Cass County

Fargo, *Masonic Block,* 11 S. 8th St. (8–3–79).

Walsh County

Warsaw, *St. Stanislaus Church Historic District,* Off I–29 (8–3–79).

OHIO

Clark County

Springfield vicinity, *Marquart-Mercer Farm,* SW of Springfield (7–26–79).

Cuyahoga County

Brecksville vicinity, *Coonrad, Jonas, House,* SE of Brecksville at 10340 Riverview Rd. (7–24–79).
Cleveland, *League Park,* Lexington and 66th Sts. (8–8–79).

Cleveland Heights, *East Cleveland District 9 School*, 14391 Superior Rd. (7–26–79).
Warrensville Heights vicinity, *Cooley Farms*, N of Warrensville Heights off OH 175 (8–8–79).

Franklin County

Columbus, *Old Port Columbus Airport Control Tower*, 420 E. 5th Ave. (7–26–79).

Hamilton County

Cincinnati, *Gwynn Building*, 6th and Main Sts. (8–3–79).
Mariemont, *Mariemont Historic District*, U.S. 50 (7–24–79).

Jefferson County

Steubenville, *Ohio Valley Clay Company*, Washington and Water Sts. (8–10–79).

Lawrence County

Ironton, *Rankin Historic District*, Roughly bounded by Vernon, 7th, Monroe and 4th Sts. (7–26–79).

Lorain County

Elyria, *Elyria Multiple Resource Area*. This area includes various properties at various locations. Details available upon request. (8–13–79).
Oberlin, *Jewett, Frank, House*, 73 S. Professor St. (7–24–79).

Montgomery County

Dayton, *Gilbert, Philip E., Houses*, 1012 Huffman Ave. and 18–30 Belpre Pl. (8–3–79).

Pickaway County

Circleville, *Morris House*, 149 W. Union St. (8–3–79).

Stark County

North Canton vicinity, *Hoover Farm*, S of North Canton on Easton St. (8–3–79).

Warren County

Springboro, *Wright, Dr. Aaron, House*, 155 W. Central Ave. (8–3–79).
Waynesville, *Waynesville Greek Revival Houses*, 5303 and 5323 Wilkerson Lane (8–8–79).

Washington County

Newport vicinity, *Barker, Judge Joseph, Jr., House*, SW of Newport on OH 7 (7–26–79).

OREGON

Curry County

Gold Beach, *Hume, Mary D. (freighter)* Port of Gold Beach (8–1–79).

Multnomah County

Portland, *Oregon Cracker Company Building*, 616 NW. Glisan St. (8–10–79).
Portland, *Smithson and McKay Brothers Blocks*, 943 and 927 N. Russell St. (8–10–79).
Portland, *Temple Beth Israel*, 1931 NW. Flanders St. (7–26–79).
Portland, *University Club*, 1225 SW. 6th Ave. (7–26–79).

PENNSYLVANIA

Covered Bridges of Indiana County Thematic Resources. Reference—see individual listings under Indiana County.
Covered Bridges of Juniata and Snyder Counties Thematic Resources. Reference—see individual listings under Juniata and Snyder Counties.

Allegheny County

Pittsburgh, *Ewart Building*, 921, 923 and 925 Liberty Ave. (8–9–79).
Pittsburgh, *Pennsylvania Railroad Bridge*, 11th St. (8–13–79).
Pittsburgh, *Sixteenth Street Bridge*, Spans Allegheny River (8–13–79).

Bedford County

Bedford vicinity, *Bonnet's Tavern*, 4 mi. W of Bedford at jct. of U.S. 30 and PA 31 (8–1–79).

Cambria County

Johnstown, *Nathan's Department Store*, 426–432 Main St. (8–10–79).

Carbon County

Weissport and vicinity, *Carbon County Section of the Lehigh Canal*, Along Lehigh River (8–10–79).

Chester County

Elverson vicinity, *Bull, Thomas, House*, E of Elverson on Bulltown Rd. (8–3–79) HABS.
Glenmoore vicinity, *Springton Manor Farm*, S of Glenmoore at Springton and Creek Rds. (8–7–79).
Malvern vicinity, *Wisner, Jacob, House (Rapp House)* NW of Malvern on Yellow Springs Rd. (8–6–79).
Marshallton vicinity, *Taylor House*, E of Marshallton on W. Strasburg Rd. (8–1–79).
Phoenixville vicinity, *Winings, Jacob, House and Clover Mill*, SW of Phoenixville on James Mill Rd. (8–17–79).

Clinton County

Loganton vicinity, *Logan Mill Covered Bridge*, SW of Loganton over Fishing Creek (8–6–79).

Dauphin County

Fort Hunter, *Fort Hunter Historic District*, U.S. 22 (8–17–79).
Middletown, *Raymond, Charles and Joseph, Houses*, 38 and 37 N. Union St. (8–1–79).

Franklin County

Greencastle vicinity, *Spring Grove Farm and Distillery*, NW of Greencastle on Williamsport Pike (8–10–79).

Indiana County

Creekside vicinity, *Thomas Covered Bridge (Covered Bridges of Indiana County Thematic Resources)* (8–3–79).
Kintersburg, *Kintersburg Covered Bridge (Covered Bridges of Indiana County Thematic Resources)* (8–3–79).
Willet vicinity, *Harmon's Covered Bridge (Covered Bridges of Indiana County Thematic Resources)* (8–3–79).
Willet vicinity, *Trusal Covered Bridge (Covered Bridges of Indiana County Thematic Resources)* (8–3–79).

Jefferson County

Brookville, *Gray-Taylor House*, 9 Walnut St. (8–3–79).

Juniata County

Dimmsville, *Dimmsville Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources)* (8–10–79).
Oriental vicinity, *East Oriental Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources)* (8–10–79) (also in Snyder County).
Oriental vicinity, *North Oriental Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources)* (8–10–79) (also in Snyder County).
Port Royal, *Lehman's, Port Royal Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources)* (8–10–79).
Spruce Hill vicinity, *Academia Pomeroy Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources)* NW of Spruce Hill (8–10–79).

Lackawanna County

Scranton, *Central Railroad of New Jersey Freight Station*, 602 W. Lackawanna Ave. (8–1–79).

Luzerne County

Kingston, *Wyoming Seminary*, Sprague Ave. (8–6–79).

Monroe County

Stroudsburg, *Stroud Mansion*, Main and 9th Sts. (8–1–79).
Stroudsburg vicinity, *Turn, John, Farm*, NE of Stroudsburg (7–23–79).

Montour County

Danville, *Montgomery, Gen. William, House*, 1 and 3 Bloom St. (8–9–79).

Philadelphia County

Philadelphia, *Franklin Institute*, 15 S. 7th St. (8–1–79).
Philadelphia, *Philadelphia Racquet Club*, 213–225 S. 16th St. (8–1–79).
Philadelphia, *Protestant Episcopal Church of the Saviour*, Ludlow St. and 3723–3725 Chestnut St. (8–1–79).

Pike County

Bushkill, *Bushkill Gristmill*, U.S. 209 (8–3–79) HABS.
Bushkill vicinity, *Brodhead Farm (Wheat Plains)* NE of Bushkill on U.S. 209 (7–23–79).
Bushkill vicinity, *Nyce Farm (Van Gordon House)* NW of Bushkill on U.S. 209 (7–23–79).
Dingman's Ferry, *Dingman's Ferry Dutch Reformed Church*, U.S. 209 (7–23–79) HABS.
Milford, *Callahan House (Jacob Helm House)* U.S. 29 (7–23–79) HABS.
Milford, *Pike County Courthouse*, Broad and High Sts. (7–23–79).

Snyder County

East Oriental Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources). Reference—see Juniata County.
North Oriental Covered Bridge (covered bridges of Juniata and Snyder Counties thematic resources). Reference—see Juniata County.
Beavertown vicinity, *Dreese's Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources)* (8–10–79).
Meiserville, *Aline Covered Bridge (Covered Bridges of Juniata and Snyder Counties Thematic Resources)* (8–10–79).

Union County

Mifflinburg, *Heiss, William A., House and Buggy Shop*, 523 Green St. (8-6-79).

Wayne County

Ledgedale vicinity, *Lacawac*, E of Ledgedale (8-9-79).

RHODE ISLAND

Washington County

Kingstown vicinity, *Marchant, Henry, Farm*, W of Kingstown on S. County Trail (8-16-79).

SOUTH CAROLINA

Anderson County

Belton, *Belton Depot*, Public Sq. (8-13-79).

Chesterfield County

McBee vicinity, *Kirkley, Evy, Site (38CT25)* (8-3-79).

Greenwood County

Greenwood, *Mt. Pisgah A.M.E. Church*, Hackett Ave. and James St. (8-16-79).

SOUTH DAKOTA

Brookings County

Bushnell, *Farmers Store*, Main St. (8-7-79).

Clark County

Clark, *Elrod, Gov. S. H., House*, 301 N. Commercial St. (7-27-79).

Lake County

Ramona vicinity, *St. Ann's Catholic Church of Badus*, NE of Ramona (8-7-79).

Turner County

Parker, *Thielman-Stoddard House*, 132 1st St. (8-3-79).

Union County

Alcester vicinity, *Baker House*, NE of Alcester (8-7-79).

Yankton County

Yankton, *Gurney, Charles, Hotel*, 3rd and Capital Sts. (8-3-79).
Yankton, *Yankton Carnegie Library*, 4th and Capitol Sts. (8-7-79).

TENNESSEE

Davidson County

Goodlettsville, Cartwright House, Old Dickerson Pike (8-1-79).
Nashville, *Germantown Historic District*, Off I-40 and U.S. 41 (8-1-79).

Hamblen County

Lowland vicinity, *St. Paul Presbyterian Church*, W of Lowland (8-10-79).

Hamilton County

Chattanooga, *Wiley United Methodist Church*, 504 Lookout St. (8-1-79).

Robertson County

Springfield, *Springfield Town Square Historic District*, U.S. 41 and TN 49 (8-1-79).

Shelby County

Memphis, *Front Row Historic District*, S. Front St. between Monroe and Gayoso Aves. (8-1-79).

Memphis, *Patton-Bejach House*, 1085 Poplar St. (7-27-79).

TEXAS

Bexar County

Leon Springs vicinity, *Aue Stagecoach Inn*, Boerne Stage Rd. and I-10 (8-1-79) HABS.

Dallas County

Dallas, *Wilson Building*, 1621-1623 Main St. (7-24-79).

Erath County

Thurber vicinity, *Thurber Historic District*, S of Thurber (8-17-79).

Harris County

Houston, *Kennedy Bakery*, 813 Congress St. (7-27-79).

Harrison County

Marshall, *Arnot House*, 306 W. Houston St. (7-27-79).

Hays County

San Marcos vicinity, *Burleson-Knispel House*, 1.5 mi. N of San Marcos on Lime Kiln Rd. (8-3-79).

Nacogdoches County

Nacogdoches vicinity, *Barret, Tol, House*, S of Nacogdoches (7-27-79).

Somervell County

Glen Rose, *Somervell County Courthouse*, Off TX 144 (8-1-79).

Travis County

Austin, *Scholz Garten*, 1607 San Jacinto (7-27-79).
Austin, *Westhill*, 1703 West Ave. (7-26-79).
Austin, *Wooldridge Park*, Guadalupe St. (8-1-79).

UTAH

Carbon County

Helper, *Helper Commercial District*, Bounded by RR tracks, Janet, 1st. West, and Locust Sts. (7-24-79).

Salt Lake County

Salt Lake City, *Rowland Hall-St. Mark's School*, 205 1st Ave. (7-26-79).
Salt Lake City, *Salt Lake City Public Library*, 15 S. State St. (8-7-79).
Salt Lake City, *Woodruff-Riter House*, 225 N. State St. (7-26-79).

Utah County

Provo, *Hotel Roberts*, 192 S. University Ave. (7-26-79).

Weber County

Ogden, *U.S. Post Office and Courthouse*, 298 W. 24th St. (7-26-79).

VERMONT

Addison County

Vergennes, *Strong, Samuel Paddock, House*, 82 W. Main St. (8-15-79).

VIRGINIA

Fredericksburg (independent city).
Brompton, Hanover St. and Sunken Rd. (7-24-79).

Isle of Wight County

Smithfield vicinity, *Four Square*, W. of Smithfield on VA 620 (7-26-79) HABS.

Mecklenburg County

Baskerville vicinity, *Elm Hill*, SE of Baskerville off PA 4 (7-27-79).

Prince George County

Hopewell vicinity, *Evergreen*, E. of Hopewell on VA 644 (7-24-79).

Southampton County

Courtland vicinity, *Elm Grove*, NE of Courtland on VA 646 (7-24-79).

Westmoreland County

Oak Grove vicinity, *Monroe, James, Family Home Site*, N of Oak Grove (7-24-79).

WASHINGTON

Kittitas County

Easton vicinity, *Cabin Creek Historic District*, W of Easton (8-17-79).

Thurston County

Olympia, *Bigelow, Daniel R., House*, 918 Glass St. (8-7-79).

Whatcom County

Bellingham, *Eldridge Avenue Historic District*, Eldridge Ave., and environs (7-27-79).

WISCONSIN

Buffalo County

Alma, *Sherman House*, 301 S. Main St. (8-14-79).

Dane County

Madison vicinity, *Blackhawk County Club Mound Group* (47 Da 131), Shorewood Hills (8-1-79).

Dodge County

Mayville, *Hollenstein Wagon and Carriage Factory*, Bridge and German Sts. (7-27-79).

Douglas County

Superior vicinity, *Davidson Windmill*, SE of Superior on WI 13 (8-3-79).

Grant County

Platteville, *Beebe House*, 390 W. Adams St. (8-7-79).

La Crosse County

La Crosse, *Waterworks Building*, 119 King St. (7-27-79).
West Salem and vicinity, *Palmer Brothers' Octagons*, 358 N. Leonard St. and WI 16 (8-7-79).

Marinette County

Marinette, *Lauerman, F. J., House*, 383 State St. (8-14-79).

Milwaukee County

Milwaukee, *Graham Row*, 1501, 1503, and 1507 N. Marshall St. (7-27-79).
Milwaukee, *Quarles*, Charles, House, 2531 N. Farwell Ave. (7-27-79).

Oconto County

Oconto, *Beyer Home Museum*, 917 Park Ave. (8-14-79).

Racine County

Racine, *St. Luke's Episcopal Church, Chapel, Guildhall and Rectory*, 614 S. Main St. (7–27–79).

Rusk County

Ladysmith vicinity, *Flambeau Mission Church*, W of Ladysmith (8–7–79).

Sawyer County

Ojibwa vicinity, *Hall-Raynor Stopping Place*, N of Ojibwa on WI G (8–14–79).

Washington County

Kewaskum vicinity, *St. John of God Roman Catholic Church, Convent, and School*, E of Kewaskum at 1488 Highland Dr. (8–9–79).

WYOMING

Johnson County

Barnum vicinity, *Dull Knife Battlefield*, N of Barnum (8–15–79).

Laramie County

Cheyenne, *Keefe Row*, E. 22nd St. and Evans Ave. (8–3–79).

* * * * *

The following properties were omitted from the February 6, 1979, "Federal Register," Part II, February 6, 1979.

HAWAII

Honolulu County

Honolulu, *Puowaina-Hill of Sacrifice*, 2177 Pupwaina Dr. (1–11–76).

The following is a list of corrections to properties listed in the "Federal Register," Part II, February 6, 1979. Additional corrections may appear in subsequent updates.

WISCONSIN

Brown County

Allouez, *Baird Law Office*, Heritage Hill State Park (10–15–70) (previously listed at 2630 S. Webster Ave.).

Allouez, *Tank Cottage*, Heritage Hill State Park (4–28–70) (previously listed at 10th Ave. and 5th St.).

* * * * *

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requesting determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR Part 800. Properties determined to be eligible under section 63.3 of the procedures for requesting determinations of eligibility are designated by 63.3.

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

ALABAMA

Jackson County

Bridgeport, *L and N Bridge*, spans Tennessee River.

ARIZONA

Maricopa County

Phoenix, *Archeological Site NA 15, 787*, Off I–10 (63.3).

CALIFORNIA

Butte County

Oroville, *Table Mountain Boulevard Bridge*, Spans Feather River (63.3).

Napa County

Napa vicinity, *Archeological Site CA–NAP–15*, S of Napa (63.3).

San Bernardino County

Parker Dam vicinity, *Whipple Mountain Cave* (63.3).

COLORADO

Boulder County

Lafayette, *Lafayette Historic District* (63.3).

CONNECTICUT

Hartford County

Bristol, *Senior Citizens Center*, 98 Summer St.

GEORGIA

Grady County

Cairo vicinity, *Pine park Community Center*, E of Cairo (63.3).

IDAHO

Bonner's Ferry Bridge

MASSACHUSETTS

Middlesex County

Marlboro, *Flagg Swamp Rockshelter*, SR 85 (63.3).

MISSISSIPPI

Hinds County

Jackson, *J. C. Penny Building*, 157 E. Capitol St. (63.3).

Humphreys County

Silver City vicinity, *Gholson Archaeological Site (22 HU 508)* N of Silver City (63.3).

MISSOURI

Gentry County

Albany, *Albany Depot.*

Harrison County

Bethany, *Bethany Depot.*

Jackson County

Kansas City, *Jackson County Courthouse* 415 E. 12th St.

Ralls County

Saverton, *Curd House*, Off SR 79.

Saverton, *Wellman House*, Off SR 79.

Saline County

Archeological Sites 23 SA221, 23 SA228, and 23 SA231, SR 65.

MONTANA

Rosebud County

Colstrip vicinity, *Sly Bison Archeological Site (THS–79–4)* W of Colstrip (63.3).

NEW HAMPSHIRE

Grafton County

Littleton, *Lane, Edward H., House*, 16 Cottage St. (63.3).

NEW JERSEY

Bergen County

New Milford, *Demarest-Bloomer-Hart House*, 147 River Edge Ave. (63.3).

Gloucester County

Stone, George Morgan, House (63.3).

Hudson County

Jersey City, *Van Vorst Park Historic District* (63.3).

Middlesex County

New Brunswick, *Christ Episcopal Church*, 7 Paterson St. (63.3).

New Brunswick, *First Dutch Reformed Church*, 9–11 Bayard St. (63.3).

Union County

Elizabeth City, *Central Railroad Bridge at MP 14.05* (63.3).

NEW MEXICO

Chaves County

Roswell vicinity, *Archeological Site AR 30–6–1047*, E of Roswell.

Eddy County

Carlsbad vicinity, *Archeological Site 30–6–1034*, NE of Carlsbad.

Carlsbad vicinity, *Archeological Site HI 30–6–190*, E of Carlsbad.

Carlsbad vicinity, *Maroon Cliffs Archeological District*, E of Carlsbad.

Lea County

Hobbs vicinity, *Archeological Sites AR 30–6–30 and AR 7–73*, SW of Hobbs.

Rio Arriba County

Chimayo vicinity, *Archeological Site SCS No. 2*, Santa Cruz Watershed Project Area.

Sandoval County

Baca Geothermal Lease Archeological District.

NEW YORK

Nassau County

Glen Cove, *Chess, Mary, Building*, Pratt Oval (63.3).

NORTH CAROLINA

Rowan County

Salisbury, *Yadkin Hotel*, Depot and Council Sts. (63.3).

Swain County

Oconaluftee Bridge, spans Oconaluftee River.

OHIO

Franklin County

Columbus, *Engine House No. 8*, 285 N. 20th St.

OKLAHOMA

Pushmataha County

Archeological Site 34 PU 100, Clayton Lake area.

PENNSYLVANIA

Lancaster County

Lancaster, *Lancaster Historic District* (63.3).

* * * * *

The following is a list of corrections to properties previously listed in the Federal Register. Additional corrections may appear in subsequent updates.

HAWAII

Honolulu County

Oahu, *Kawainui Marsh* (63.3) (previously listed as Archeological Site 7).

[FR Doc. 79-27201 Filed 8-31-79; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before August 24, 1979. Pursuant to section 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by September 14, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

ALASKA

Russian Orthodox Church Buildings and Sites Thematic Resources. Reference—see individual listings under Aleutian Islands, Anchorage, Angoon, Bethel, Bristol Bay, Cordova-McCarthy, Juneau, Kenai-Cook Inlet, Kodiak, and Kuskokwim Divisions.

Aleutian Islands Division

Akutan, *Sir Alexander Nevsky Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Belkofski, *Holy Resurrection Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Dutch Harbor, Unalaska Island, *Church of the Holy Ascension (Russian Orthodox Church Buildings and Sites Thematic Resources)* (listed in NR).

Nikolski, *St. Nicholas Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Perryville, *St. John the Theologian Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

St. George Island, *St. George the Great Martyr Orthodox Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

St. Paul Island, *Saints Peter and Paul Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Sand Point, *St. Nicholas Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Anchorage Division

Eklutna, *Old St. Nicholas Russian Orthodox Church (Russian Orthodox Church Buildings and Sites Thematic Resources) (listed in NR).*

Angoon Division

Angoon, *St. John the Baptist Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Bethel Division

Napaskiak, *St. Jacob's Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Bristol Bay Division

Ekuk, *St. Nicholas Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Igiugig, *St. Nicholas Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Naknek, *St. John the Baptist Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Nondalton, *St. Nicholas Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Nushagak, *Transfiguration of Our Lord Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Pedro Bay, *St. Nicholas Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Pilot Point, *St. Nicholas Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

South Naknek, *Elevation of Holy Cross Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Cordova-McCarthy Division

Cordova, *St. Michael the Archangel Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Juneau Division

Juneau, *St. Nicholas Russian Orthodox Church (Russian Orthodox Church Buildings and Sites Thematic Resources)* 326 5th St. (listed in NR).

Kenai-Cook Inlet Division

English Bay, *Saints Sergius and Herman of Valaam Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Kenai, *Church of the Assumption of the Virgin Mary (Russian Orthodox Church Buildings and Sites Thematic Resources)* (listed in NR).

Ninilchik, *Holy Transfiguration of Our Lord Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources)* Sterling Hwy. (listed in NR).

Seldovia, *St. Nicholas Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Kodiak Division

Afognak Island, *Nativity of Holy Theotokos Church (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Akhiok, *Protection of the Theotokos Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Karluk, *Ascension of Our Lord Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Kodiak, *Holy Resurrection Church (Russian Orthodox Church Buildings and Sites Thematic Resources)* (listed in NR).

Kodiak Island, *Saints Sergius and Herman of Valaam Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Ouzinkie, *Nativity of Our Lord Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Kuskokwim Division

Chuathbaluk, *St. Sergius Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Lime Village, *Saints Constantine and Helen Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Lower Kalskag, *St. Seraphim Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Nikolai, *Presentation of Our Lord Chapel (Russian Orthodox Church Buildings and Sites Thematic Resources).*

Sitka Division

Sitka, *Russian Bishop's House (Russian Orthodox Church Buildings and Sites Thematic Resources)* (listed in NR).

Sitka, *St. Michael's Cathedral (Russian Orthodox Church Buildings and Sites Thematic Resources)* (listed in NR).

CONNECTICUT

New Haven County

New Haven, *Prospect Hill Historic District*, Prospect, St. Ronan, Edwards, Canner, Highland, and Ogden Sts.

DELAWARE

Kent County

Little Creek vicinity, *Port Mahon Lighthouse*, NE of Little Creek.

IOWA

Butler County

Parkersburg, *Wolf, Charles, House*, 401 5th St.

Clinton County

Clinton, *Curtis, George M., House*, 420 S. 5th Ave.
Clinton, *Lamb, Lafayette, House*, 317 7th Ave. South.

Dubuque County

Dubuque, *Dubuque Freight House*, E. 3rd St.

Linn County

Lisbon, *Stuckslager, Harrison, House*, 207 N. Jackson St.

Lyon County

Rock Rapids, *Lyon County Courthouse*, 3rd and Story Sts.

Monona County

Onawa, *Onawa Public Library*, Iowa Ave. and 7th St.

Muscatine County

Muscatine vicinity, *Pine Creek Gristmill*, NE of Muscatine in Wildcat Den State Park.

Poweshiek County

Brooklyn, *Brooklyn Hotel*, 154 Front St.
Grinnell, *Grinnell, Levi P., House*, 1002 Park St.
Montezuma, *New Carroll House Hotel*, E. Main and 5th St.

Warren County

Palmyra, *Palmyra Methodist Episcopal Church*.

LOUISIANA

Bienville Parish

Gibsland, *Sylvan Retreat*, 610 N. 3rd St.

MAINE

Androscoggin County

Lewiston, *Healey Asylum*, 81 Ash St.

Washington County

Machias, *Perry, Clark*, House, Court St.

York County

Kittery, *Rice Public Library*, 8 Wentworth St.
Kittery, *Whipple House*, 88 Whipple Rd.
Kittery Point, *Bray House*, Pepperrell Rd.
Kittery Point, *Howells, William Dean, House, Pepperrell Rd.*

MARYLAND

Baltimore County

Reisterstown, *St. Michael's Church*, Academy Lane and Reisterstown Rd.

Montgomery County

Brookeville, *Brookeville Historic District, MD 97.*

MISSISSIPPI

Lowndes County

Greenwood Springs vicinity, *Buttahatchie River Archeological District* (also in Monroe County).

MISSOURI

Boone County

Columbia, *Wabash Railroad Station and Freight House*, 126 N. 10th St.

Buchanan County

St. Joseph, *Missouri Theater and Missouri Theater Building*, 112–128 S. 8th St. and 713–721 Edmond St.

Carroll County

Carrollton, *Carroll County Sheriff's Quarters and Jail*, 101 W. Washington St.

Macon County

Macon, *Blees Military Academy*, U.S. 63.

St. Charles County

St. Charles, *Marten-Becker House*, 837 1st. Capitol Dr.

St. Louis (independent city)

Mayfair Hotel, 806 St. Charles Ave.

NEBRASKA

Butler County

Dwight, *Fremont, Elkhorn and Missouri Valley Railroad Depot*, 1st and Maple Sts.

Douglas County

Omaha, *Douglas County Courthouse*, 1700 Farnam St.
Omaha, *Omaha High School*, 124 N. 20th St.

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Wentworth-Gardner and Tobias Lear Houses*, Mechanic and Gardner Sts.

NEW YORK

Albany County

Menands, *Albany Rural Cemetery*, Cemetery Ave.

OHIO

Coshocton County

Coshocton, *Lee, Samuel, House*, 306 4th St.

Franklin County

Columbus, *Thurber, James, House*, 77 Jefferson Ave.

Hamilton County

Cincinnati, *Davidson, Tyler, Fountain*, 5th St.

Knox County

Fredericktown, *FREDERICKTOWN MULTIPLE RESOURCE AREA*. This area includes: *Beers, John, House*, W. Sandusky St.; *Bell House*, 53–57 N. Main St.; *Brick Commercial Block*, Main and College Sts.; *Burch, William, House*, Edgehill Dr., and Mount Vernon Ave.; *Cassell, Henry, House*, High St.; *Cummings, Wilson S., House*, Sandusky and Taylor Sts.; *Delashment, Elias, House*, 2nd and Edgehill Dr.; *Early Greek Revival Cottage*, 2nd and Chestnut Sts.; *Early Greek Revival House*, Main and 2nd Sts.; *Fredericktown Presbyterian Church*, Main St. and Public Sq.; *Greek Revival Commercial Building*, Main St.; *Gothic Revival House*, High St. and N. Main St.; *Hosack House*, W. College St.; *King, Dr., House*, Main and 2nd Sts.; *Old Methodist Church*, Sandusky St. and Public Sq.; *Old Davis and Dague Grocery Store*, Main and College Sts.; *Old Greek Revival Farmhouse*, W. Sandusky St.; *Old Telephone Building*, College and Chestnut Sts.; *Reed James, House*, E. College St.; *Second Hosack House*, College and Chestnut Sts.; *Sprague-Deaver House*, Sandusky and Pleasant St.; *Tuttle, S. S., House*, College and Pleasant St.; *Wright, Lyman, Building*, Main and 2nd Sts.

Seneca County

Flat Rock vicinity, *Henny Barn*, NE of flat Rock.

Oregon

Mation County

Jefferson, *Anderson, James Mechlin*, House, Off I–5.

Wasco County

Shaniko, *Columbia Southern Hotel*, 4th and E Sts.

Yamhill County

Dayton, *First Baptist Church*, 3rd and Main Sts.
Yamhill, *Bunn, John Marion, House*, 285 SW. 3rd St.

TEXAS

Anderson County

Palestine, *Sacred Heart Catholic Church*, 503 N. Queen St.

Guadalupe County

Seguin, *Hall, Robert, House*, 214 S. Travis St.

Shelby County

Memphis, *Annesdale-Snowden Historic District*, Roughly bounded by I–255, Lamar Ave., and Heistan Pl.
Memphis, *Overton Park Historic District*, I–40

[FR Doc. 79-27200 Filed 8-31-79; 8:45 am]
BILLING CODE 4310-03-M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Council on Employee Welfare and Pension Benefit Plans; Announcement of Vacancies; Request for Nominations

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 88 Stat. 895, 29 U.S.C. 1142, provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" (the Council) which is to consist of 15 members to be appointed by the Secretary of Labor (the Secretary) as follows: Three representatives of employee organizations (at least one of whom shall be representative of an organization whose members are participants in a multiemployer plan); three representatives of employers (at least one of whom shall be representative of employers maintaining

or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and accounting; and three representatives from the general public (one of whom shall be a person representing those receiving benefits from a pension plan). Not more than eight members of the Council shall be members of the same political party.

Members shall be persons qualified to appraise the programs instituted under ERISA. Appointments are for terms of three years.

The prescribed duties of the Counsel are to advise the Secretary with respect to the carrying out of his functions under ERISA, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on ERISA.

The terms of five members of the Council expire on November 14, 1979. The groups or fields represented are as follows: Employee organizations (representing any organization members of which are participants in a multiemployer plan), employers, actuarial counseling, investment counseling, and the general public (representing those receiving benefits from a pension plan).

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the ERISA Advisory Council on Employee Welfare and Pension Benefit Plans to represent any of the groups or fields specified in the preceding paragraph may submit recommendations to the Secretary of Labor, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Recommendations must be delivered or mailed by October 5, 1979.

Recommendations may be in the form of a letter, resolution, or petition, signed by the person making the recommendation, or, in the case of a recommendation by an organization, by an authorized representative of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall include a brief description of the candidate's qualifications and shall specify the group or field which the candidate would represent for the purposes of section 512 of ERISA, the candidate's political party affiliation, and whether the candidate is available and would accept.

Signed at Washington, D.C. this 27th day of August 1979.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 79-27423 Filed 8-31-79; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Consolidation Coal Co. ("Conpaso Project")—Burnham Mine, San Juan County, N. Mex., Navajo Tribal Coal Lease No. N00-C-14-20-2190; Pending Decision to Approve Surface Mining and Reclamation Plan With Stipulations

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of Pending Decision to Approve Proposed Surface Coal Mining and Reclamation Plan With Stipulations.

SUMMARY: Pursuant to Section 1506.6 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) has completed an environmental review of the proposed mining and reclamation plan and has recommended approval of the plan with stipulations according to the Indian Coal Mining Regulations (25 CFR 177) and Section 710(c) of the Surface Mining Control and Reclamation Act of 1977. The Office has prepared a technical analysis (TA) and an environmental assessment (EA) and from these studies has determined that significant impacts that could ensue from the proposed operation have been addressed in the following impact statements (EIS's):

1. "Final Environmental Statement Navajo—El Paso/Consolidation Coal Lease and Mining Plan, Navajo Reservation, San Juan County, New Mexico (FES No. 77-13), May 11, 1977, Bureau of Indian Affairs."

2. "El Paso Coal Gasification Project, New Mexico Final Environmental Statement (FES No. 77-03), February 8, 1977, Bureau of Reclamation."

The proposed mine is located about 35 miles southwest of Farmington, New Mexico, and about 50 miles northeast of Gallup, New Mexico, within the Navajo Reservation

Location of Lands to be Affected

Applicant: Consolidation Coal Company
Mine name: Burnham
State: New Mexico
County: San Juan

Township, Range, Section

T.25N., R.16W.: 25, 36,
T.24N., R.16W.: 1, 2, 3, 10, 11, 12
T.25N., R.15W.: 28, 29, 30, 31, 32, 33
T.24N., R.15W.: 4, 5, 6, 7, 8

Office of Surface Mining Reference No.: NM 0005

The Mining and Reclamation Plan was submitted to OSM in October of 1978, and proposed coal mining in the northern portion of the Navajo lease area, and area of about 6,831 acres to be mined over a 38-year period (the total mine plan area is approximately 9,000 acres). The Burnham mining and reclamation plan does not address the remaining area of 40,287-acre Navajo lease. However, the U.S. Bureau of Indian Affairs (BIA) Final Environmental Impact Statement (FES No. 77-13) analyzed mining of 29.095 acres of the 40,287-acre lease that was proposed in a plan submitted to the USGS in 1975. In addition, the U.S. Bureau of Reclamation Final Environmental Impact Statement analyzed the effects of the proposed coal gasification plant and of the associated coal mining on the Navajo lease area.

According to the Burnham mining plan, coal is to be extracted at a rate of approximately 300,000 tons the first year, increasing to 750,000 tons, 1,000,000 tons, and 4,350,000 tons the second, third, and fourth years, respectively. Production for the fifth through the thirty-eighth year is anticipated at 6,400,000 tons per year. Total coal extraction would be approximately 244,000,000 tons during the projected life of the mine. Coal from the seams greater than three feet in thickness in four primary zones would be mined by a multiple seam dragline operation. Coal will be exported off-site by trucks using existing roads. The transportation route discussed in the plan is under evaluation by OSM.

The purpose of this notice is to inform the public that based on OSM staff review and analysis of the mining and reclamation plan, the Regional Director, Region V, Office of Surface Mining, is recommending approval of the Burnham mining plan with stipulations.

DATES: A final decision to approve or disapprove the proposed plan will be made by the Assistant Secretary, Indian Affairs, following a recommendation from the Assistant Secretary, Energy and Minerals. The Secretary's decision will consider the recommendations of OSM as well as the Navajo Tribal Council, the Bureau of Indian Affairs, the U.S. Geological Survey and any public comments received on or before September 24, 1979.

The technical analysis, environmental assessment, and proposed stipulations are available on request and for review

in the Office of Surface Mining, Region V. Any comments on the proposed approval should be submitted to the Regional Director, Region V, Office of Surface Mining, Room 217, 1823 Stout Street, Denver, Colorado 80202 no later than 20 days from the date of this notice. A public meeting with the Regional Director may be requested no later than September 24, 1979, and must include the name and address of the requestor.

FOR FURTHER INFORMATION CONTACT: Bob Starr or Mark Humphrey, Office of Surface Mining, Region V, Room 207, 1823 Stout Street, Denver, Colorado 80202.

Walter N. Heine,

Director.

[FR Doc. 79-27590 Filed 8-31-79; 10:37 am]

BILLING CODE 4310-05-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on September 20–21, 1979 at the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue, NW., Washington, D.C. The meeting will begin at 9:00 a.m. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91–596) to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act.

The morning of Thursday, September 20, will be devoted to presentations by OSHA staff members on the following subjects:

Regulatory Analysis
Voluntary Compliance, Enforcement Policy and Complaint Procedures, and Statutory Efforts To Establish Exemptions to the OSH Act

After hearig these presentations, the Committee will break up into two workgroups to discuss the issues and formulate recommendations. The workgroups will report their recommendations to the full Committee when it reconvenes on Friday.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N–3635, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210, Telephone: 202–523–8024.

Offical records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 30th day of August 1979.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 79-27721 Filed 8-31-79; 11:06 am]

BILLING CODE 4510-26-M

Sunshine Act Meetings

Federal Register
Vol. 44, No.172
Tuesday, September 4, 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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Merit Systems Protection Board	4
National Neighborhood Reinvestment Corporation	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, September 4, 1979.

PLACE: Commission conference room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

MATTERS TO BE CONSIDERED:

Open to the public

1. Noncompetitive procurement; services of 10 grievance examiners, fiscal year 1979 and 1980.
2. State and local agency program; proposed allocation of remaining fiscal year 1979 funds and fiscal year 1980 funds, and proposed charge resolution contracts for individual FEP Agencies.
3. Affirmative Action instructions for Federal agencies for fiscal year 1980.
4. Report on Commission operations by the Executive Director.

Closed to the public

1. Litigation authorization; General Counsel recommendations.

Vote.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued August 28, 1979.

[S-1711-79 Filed 8-30-79; 11:27 am]

BILLING CODE 6570-06-M

2

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., September 5, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public

1. Monthly report of actions taken pursuant to authority delegated to the Managing Director.
2. Agreement No. 8330-2: Pacific Coast Ocean Freight Forwarders Conference.
3. Agreement No. 8493-9: Modification of the Trans-Pacific American-Flag Berth Operators Agreement to comply with General Order 7.
4. Agreement No. 5200-33: Modification of the Pacific Coast European Conference to comply with General Order 7.
5. Agreement No. 2744-41: Modification of the Atlantic and Gulf/West of South America Conference Agreement to comply with General Order 7.
6. Agreement No. 93-19: Modification of the North Europe-United States Pacific Freight Conference to comply with General Order 7.
7. Agreement No. 9238-8: Modification of the Greece/United States Atlantic Rate Agreement to comply with General Order 7.
8. Agreement Nos. 3868-26, 4610-27, 6080-26, 6190-32, 6870-20, 7540-31, and 8120-21: Modifications of various conference agreements in the South America trades to comply with General Order 7.
9. Petition of Red Sea and Gulf of Aden/U.S.A. Conference to allow officers or employees to serve as policing authority.
10. Agreement No. 10066-1: Modification of an access agreement in the United States/Colombia trades to require that implementation shall be in compliance with Colombian maritime laws.
11. Agreement No. 10359: A coqperative working arrangement known as the Water Transportation Credit Group.
12. Agreement No. 10012-3: Application for extension of the intermodal authority of the Australia/Pacific Coast Rate Agreement for an unlimited duration.
13. Agreement No. 5600-37: Modification of the Philippines North America Conference Agreement to renew its intermodal authority for an indefinite duration.
14. Informal Docket No. 607(I): *The Ideal Toy Corporation* v. *Atlantic Container Line*—Review of decision of Settlement Officer.
15. Informal Docket No. 387(I): *Pan American Health Organization* v. *Moore-McCormack, Inc.*—Consideration of court remand.
16. Appeal of Pacific Coast European Conference of staff action rejecting the filing of tariff matter.
17. Proposed changes to rules governing licensing of independent ocean freight forwarders.

Portion closed to the public

1. Agreement No 10286—WINAC Pool: Status report on Commission's directives in Docket No. 77-43.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary 202-523-5725.

[S-1709-79 Filed 8-30-79; 9:20 am]

BILLING CODE 6730-01-M

3

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Thursday, September 6, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed purchase of computer equipment by the Federal Reserve Bank of San Francisco.
2. Request by the Commodity Futures Trading Commission for Board comment on the New York Futures Exchange applications to trade new futures contracts in three-month Treasury bills and long-term Treasury bonds.

Discussion Agenda

1. Proposed statement to be presented to the Subcommittee on Commerce, Consumer, and Monetary Affairs of the House Committee on Government Operations regarding advertising by financial institutions.
2. Congressional proposals relating to the Bank Holding Company Act and the Bank Merger Act.
3. Proposed 1980 Special System Objectives.
4. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 462-3204.

Dated: August 30, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-1712-79 Filed 8-30-79; 1:54 pm]

BILLING CODE 6210-01-M

4

MERIT SYSTEMS PROTECTION BOARD.

TIME AND DATE OF MEETING: 9:30 a.m., Tuesday, September 11, 1979.

PLACE: Room 404, 717 Madison Place NW., Washington, D.C.

STATUS: Open.

SUBJECT: Oral Arguments: In re Chocolla, In re Glover.

CONTACT PERSON FOR MORE INFORMATION: Charles J. Stanislav, Jr., Acting Director, Office of the Secretary (202-653-7130).

Ruth T. Prokop

Chair.

[S-1710-79 Filed 8-30-79; 10:11 am]

BILLING CODE 6325-20-M

5

NATIONAL NEIGHBORHOOD REINVESTMENT CORPORATION.

Special meeting of the board of directors. Pursuant to the provisions of the Neighborhood Reinvestment Corporation Act (Title VI of the Housing and Community Development Amendments of 1978, Public Law 95-557), notice is hereby given of a meeting of the National Neighborhood Reinvestment Corporation.

TIME AND DATE: 3:30 p.m., September 5, 1979.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting, Board of Directors.

CONTACT PERSON FOR MORE INFORMATION: Donnie L. Bryant, 202-377-6480.

AGENDA: Call to order and remarks of chairman, approval of fiscal year 1980 budget, and approval of fiscal year 1981 budget submission.

No. 6, August 29, 1979.

Donnie L. Bryant,

Secretary.

[S-1706-79 Filed 8-29-79; 4:37 pm]

BILLING CODE 6720-01-M

Federal Register

Tuesday
September 4, 1979

Part II

Reader Aids

List of Libraries That Have Announced Availability of Federal Register and Code of Federal Regulations

LIST OF LIBRARIES THAT HAVE ANNOUNCED AVAILABILITY OF FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

In order to direct the public to facilities where the *Federal Register* and *Code of Federal Regulations* are available for examination free of charge, the Office of the Federal Register is publishing a list of libraries which have requested inclusion. A complete listing of *Government Depository Libraries* is available, without charge from The Library, U.S. Government Printing Office, 5236 Eisenhower Avenue, Alexandria, VA 22304.

The Office of the Federal Register's list will be updated annually unless public interest requires more frequent publication. Any library that maintains these publications, makes them available to the public, and wishes to be included on future lists should write to the Director of the Federal Register, National Archives and Records Service, GSA, Washington, DC 20408, or phone (202) 523–5240, giving the name and address of the library.

ALABAMA

Birmingham:
Government Documents Department
Birmingham Public Library
2020 Park Place
Birmingham, AL 35203
(205) 254–2551

Gadsden:
Gadsden Public Library
254 College Street
Gadsden, AL 35901
(205) 547–1611

ALASKA

Anchorage:
Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 85513

Office of the Solicitor, Law Library
U.S. Department of the Interior
510 L Street, Suite 408
Anchorage, AK 99501

Fairbanks:
Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

ARIZONA

Phoenix:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
Valley Bank Center, Suite 2080
201 North Central Avenue
Phoenix, AZ 85073

Tempe:
Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Window Rock:
Field Solicitor, Law Library
U.S. Department of the Interior
Window Rock, AZ 86515

CALIFORNIA

Burlingame:
The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342–2477

Glendale:
City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

Long Beach:
Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:
U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

Oakland:
Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619

Orange:
Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666

Riverside:
Field Solicitor, Law Library
U.S. Department of the Interior
3610 Center Avenue, Suite 104
Riverside, CA 92506

Sacramento:
Regional Solicitor, Law Library
U.S. Department of the Interior
Room E–2753
2800 Cottage Way
Sacramento, CA 95825

San Francisco:
Field Solicitor, Law Library
U.S. Department of the Interior
450 Golden Gate Avenue
Box 36064
San Francisco, CA 94102

University of California
Hastings College of the Law
Library
198 McAllister Street
San Francisco, CA 94102

Vallejo:
California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644–5601

COLORADO

Denver:
Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225

Bureau of Reclaimation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225

Colorado State Library
1362 Lincoln Street
Denver, CO 80203

Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal Center
P.O. Box 25007
Denver, CO 80225

National Park Service Library
655 Parfet Street
P.O. Box 25287
Denver, CO 80225

Lakewood:
Villa Library*
455 South Pierce Street
Lakewood, CO 80226
(303) 936–7407

CONNECTICUT

Bloomfield:
Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002

Hartford:
The Stanley Osborne Library*
Third Floor
The Connecticut State Department of Health Services
79 Elm Street
Hartford, CT 06115
(203) 566–2198

Middletown:
Olin Library
Wesleyan University
Middletown, CT 06457

Waterbury:
Silas Bronson Public Library
Business, Industry & Technology Department
267 Grand Street
Waterbury, CT 06702

DISTRICT OF COLUMBIA

Community Services Administration Law Library
1200 – 19th Street, N.W.
Room 525
Washington, DC 20506

Natural Resources Library
U.S. Department of the Interior
Washington, DC 20240

Office of the Federal Register
1100 L Street, N.W.
Room 8301
Washington, DC 20408

FLORIDA

Sarasota:
The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955–4228

Tampa:
Tampa–Hillsborough County Public Library
900 North Ashley Street
Tampa, FL 33602
(813) 223–8969

GEORGIA

Atlanta:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303

Elberton:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
Samuel Elbert Building
Elberton, GA 30635

IDAHO

Boise:
Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724

ILLINOIS

Chicago:
University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois Library
Chicago Circle, P.O. Box 8198
Chicago, IL 60680
(312) 996–2738

Lockport:
Lewis University
Route 53
Lockport, IL 60441
(815) 838–0500

Normal:
Milner Library
Illinois State University
Normal, IL 61761

Rockford:
Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965–6731

ILLINOIS—Continued

Springfield:
Energy Information Library*
Illinois Institute of Natural Resources, Room 300
325 W. Adams Street
Springfield, IL 62706

INDIANA

Fort Wayne:
The Public Library of Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424–7241

IOWA

Des Moines:
State Library Commission of Iowa Law Library
Capitol Building
Des Moines, IA 50319
(515) 281–5125

State Library Commission of Iowa
Historical Building
East 12th & Grand
Des Moines, IA 50319

Dubuque:
Whalert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

KANSAS

Pittsburg:
Library
Pittsburg State University
Pittsburg, KS 66762

KENTUCKY

Bowling Green:
Western Kentucky University
Helm–Cravens Library
Bowling Green, KY 42101

Frankfort:
Government Document Section
State Library Division
Kentucky Department of Library & Archives
Berry Hill
Frankfort, KY 40602
(502) 564–2480

LOUISIANA

Baton Rouge:
Library, Department of Urban & Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

New Orleans:
U.S. Court of Appeals Library
5th Circuit
600 Camp Street
Room 106
New Orleans, LA 70130
(504) 589–6510

MARYLAND

Aberdeen:
Department of the Army
U.S. Army Environmental Hygiene Agency
ATTN: Librarian, Bldg. E–2100
Aberdeen Proving Ground, MD 21010

Annapolis:
Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401

Oakland:
Garrett County Planning Office*
323 East Oak Street
Oakland, MD 21550
(301) 334–4200

Rockville:
Medical Library
Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

MASSACHUSETTS

Newton Corner:
Office of the Regional Solicitor, Law Library
Suite 306
1 Gateway Center
Newton Corner, MA 02156

Springfield:
The City Library
Central Library
220 State Street
Springfield, MA 01103

Woburn:
Commonwealth of Massachusetts
Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935–4000

MICHIGAN

Ann Arbor:
Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973–3300

Detroit:
Downtown Library*
Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
Detroit Public Library
1004 City–County Building
Detroit, MI 48226

East Lansing:
Documents Department
Michigan State University Library
East Lansing, MI 48824

MICHIGAN—Continued

Mount Clemens:
Macomb County Library
16480 Hall Road
Mount Clemens, MI 48044
469–5300

Mt. Pleasant:
Library – Documents Department
Central Michigan University
Mt. Pleasant, MI 48859
(517) 774–3414

Pontiac:
Adams–Pratt Oakland County Law Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054

Rochester:
Kresge Library
Documents Department
Oakland University
Squirrel/Walton
Rochester, MI 48063
(313) 377–2476

MINNESOTA

Blaine:
Anoka County Library
707 Highway #10
Blaine, MN 55434

Edina:
Southdale–Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830–4900

Minneapolis:
Minnesota Hospital Association Library
2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331–5571

Twin Cities:
Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

U.S. Bureau of Mines
Twin Cities Research Center
Library
P.O. Box 1660
Twin Cities, MN 55111

MISSISSIPPI

Gulfport:
Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864–5161 ext. 336

MISSOURI

Jefferson City:
Federal Documents Department
Missouri State Library
P.O. Box 387
303 E. High Street
Jefferson City, MO 65102

Sedalia:
State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301

Springfield:
Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831–1561

MONTANA

Billings:
Bureau of Land Management
Library
P.O. Box 30157
Billings, MT 59107

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA

Lincoln:
University of Nebraska–Lincoln Libraries
Lincoln, NE 68588

NEVADA

Boulder City:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 427, Park Street
Boulder City, NV 89005

NEW HAMPSHIRE

Concord:
Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271–3777

New London:
Fernald Library
Colby–Sawyer College
New London, NH 03257

NEW JERSEY

Elmer:
Arthur P. Schalick High School
Elmer–Centerton Road
R.D. 1
Elmer, NJ 08318

Hackensack:
Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601

NEW JERSEY—Continued

Jersey City:
Hudson Health Systems Agency
Library
871 Berger Avenue
Jersey City, NJ 07306
Mahwah:
Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430
Toms River:
Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255–4000 ext. 385

NEW MEXICO

Albuquerque:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1696
Albuquerque, NM 87103
Santa Fe:
Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

NEW YORK

Garden City:
Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294–8700 ext. 7345
Niagara Falls:
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278–8113
Schenectady:
Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305
Syracuse:
Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475–8458
Uniondale:
Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292–8920

NORTH CAROLINA

Asheboro:
Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629–3329

Boone:
Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607
Gastonia:
Gaston County Public Library*
Headquarters: Gaston–Lincoln
Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865–3418

NORTH DAKOTA

Bismarck:
Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501

North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224–2490

Office of Program Planning*
All Nations Circle – Bldg. 35
United Tribes Educational Technical
Center
3315 South Airport Road
Bismarck, ND 58501

OHIO

Cincinnati:
National Institute for Occupational
Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Ohio River Basin Commission Library
Suite 208–20, 36 East 4th Street
Cincinnati, OH 45206
(513) 684–3831
Cleveland:
Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114

Cleveland Regional Sewer District*
Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781–6600 ext. 219
Cleveland Heights:
Cleveland Heights – University
Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932–3600
Columbus
The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466–2694

OHIO—Continued

Findlay:
Marathon Oil Company
Law Library, Room 854–M
539 South Main Street
Findlay, OH 45840
(419) 422–2121 ext. 3376

Marion:
Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387–0992

Toledo:
Toledo–Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 242–7361 ext. 241

OKLAHOMA

Aradarko:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

Muskogee:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1508
Muskogee, OK 74401

Pawhuska:
Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:
Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624–6546

Tulsa:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 3156
Tulsa, OK 74101

PENNSYLVANIA

Aliquippa:
B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375–7174

Allentown:
The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Harmony:
Library
Seneca Valley Senior High School*
Southwest Butler County School District
R.D. 2
Harmony, PA 16037

Harrisburg:
State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787–7343

Hazleton:
Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454–2961/454–0244

Millersville:
Millersville State College
Millersville, PA 17551

Vein
Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872–5411 ext. 552, 542

Pittsburgh:
Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library

4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:
Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Swarthmore:
The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) KI 4–7900

Washington:
Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228–6747

West Chester:
Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436–2869

Wilkes–Barre:
Institute of Regional Affairs*
Wilkes College
Wilkes–Barre, PA 18703

RHODE ISLAND

Kingston:
Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792–2602

SOUTH CAROLINA

Charleston:
Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411

SOUTH CAROLINA—Continued
Charleston—Continued

Charleston County Library
404 King Street
Charleston, SC 29403

Citadel
Charleston, SC 29409

College of Charleston
66 George Street
Charleston, SC 29401

Clemson:
Clemson University
Clemson, SC 29631

Columbia:
Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

South Carolina State Library
1500 Senate Street
Columbia, SC 29201

University of South Carolina
Columbia, SC 29208

Conway:
Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:
Erskine College*
Due West, SC 29639

Florence:
Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College
Florence, SC 29501

Greenville:
Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:
Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Rock Hill:
Winthrop College
Rock Hill, SC 29733

Spartanburg:
Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

SOUTH DAKOTA

Aberdeen:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 549
Aberdeen, SD 57401

TENNESSEE

Nashville:
Documents Unit
Joint University Libraries
Nashville, TN 37203

TEXAS

Amarillo:
Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor
U.S. Department of the Interior
P.O. Box H–4393, Herring Plaza
Amarillo, TX 79101

College Station:
Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:
U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

Victoria:
University of Houston†
Victoria Campus
2302–C Red River
Victoria, TX 77901
(512) 575–7436

VIRGINIA

Arlington:
Office of Hearings and Appeals
Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203

Fairfax:
Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691–2741

Lynchburg
The Library
Lynchburg College
Lynchburg, VA 24501

Norfolk:
Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510

Reston:
U.S. Geological Survey
Library
National Center, Mail Stop 950
Reston, VA 22092

Richmond:
Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community
College
P.O. Box 12084
Richmond, VA 23241
(804) 264–3220

VIRGINIA—Continued
Richmond—Continued
Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219
Virginia Beach:
Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456

WASHINGTON

Bellingham:
Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676–3075
Cheney:
Eastern Washington University
The Library
Cheney, WA 99004
(509) 359–2475
Seattle:
NW Federal Regional Council Library
Room 1023 Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101
(206) 442–5554
Spokane:
Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

WEST VIRGINIA

Beckley:
National Mine Health and Safety Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801
Montgomery:
Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136

WISCONSIN

Kenosha:
Library/Learning Center
University of Wisconsin–Parkside
Wood Road
Kenosha, WI 53141
Ladysmith:
Mount Senario College Library
Ladysmith, WI 54848

WYOMING

Laramie:
Coe Library – Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766–2174

*FR only.
†CFR only.

federal register

Tuesday
September 4, 1979

Part III

Department of Health, Education, and Welfare

Food and Drug Administration

Medical Devices; Classification of Neurological Devices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 882

[Docket No. 78N-1000]

Neurological Devices; General Provisions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule regarding general provisions applicable to the classification of neurological devices. The preamble to this rule responds to general comments received on the proposals regarding classification of neurological devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 28, 1978 (43 FR 55640), FDA published a proposed regulation containing general provisions applicable to the classification of neurological devices. The preamble to the regulation described the development of the proposed regulaitons classifying neurological devices and the activities of the Neurological Device Classification Panel, an FDA advisory committee that makes recommendations to FDA concerning the classification of neurological devices. FDA also published in that issue of the **Federal Register** individual proposed regulations to classify 103 neurological devices. FDA provided a period of 60 days for interested persons to submit written comments on these proposals.

Exemptions for Class I Devices

FDA proposed to exempt four devices from the good manufacturing practice (GMP) regulations in Part 820 (21 CFR Part 820), including the recordkeeping and reporting requirements of Part 820. The four devices are the two-point discriminator (Docket No. 78N-1003), the esthesiometer (Docket No. 78N-1017), the tuning fork (Docket No. 78N-1018), and the percussor (Docket No. 78N-1025). Elsewhere in this issue of the **Federal Register**, the agency is publishing final rules for classification of these four devices. The final rule for each of these devices exempts the device from all parts of the GMP requirements with the exception of §§ 820.180 and 820.198 (21 CFR 820.180 and 820.198) relating to records and complaint files. The agency has determined that exemption of devices from §§ 820.180 and 820.198 of the GMP regulation would not be in the public interest. Moreover, compliance with these sections is not unduly burdensome for device manufacturers. The complaint file requirements of § 820.198 ensures that device manufacturers have adequate systems for complaint investigation and followup. The general requirements concerning records in § 820.180 ensure that FDA has access to complaint files, can investigate device-related injury reports and complaints about product defects, can determine whether the manufacturer's corrective actions are adequate, and can determine whether an exemption from other sections of the GMP regulation, if one has been granted, is still appropriate.

Comments on Classification Proposals

Elsewhere in this issue of the **Federal Register**, FDA is issuing final regulations classifying 102 individual neurological devices. FDA is responding to specific comments regarding the classification of individual neurological devices in the final regulations for these devices.

No written comments were received on proposed § 882.1 (21 CFR 882.1), which concerns general provisions for all neurological devices. Accordingly, FDA is promulgating § 882.1 without change. However, FDA received several general comments regarding the classification process and the basis for the classification proposals for neurological devices. The agency is responding to these general comments below.

1. A comment stated that FDA did not always provide a sufficient explanation for the agency's proposal to classify a device and suggested that FDA relied too heavily on Panel experience and expertise. The Comment also stated that the supplemental information placed on file in the Hearing Clerk's office is not always readily available to interested persons. The comment suggested that, in future classification proposals, FDA should be more specific in setting forth the basis for its conclusions.

FDA believes that it provided an adequate explanation of the basis for each neurological device classification proposal. FDA relied on the recommendations of the Neurological Device Classification Panel and, in many cases, adopted the reasons given by the Panel as the basis for the proposed classification. It is apparent from the statute and from the legislative history of the Medical Device Amendments of 1976 (Pub. L. 94-295; 90 Stat. 539-583) that Congress intended FDA to rely on the advice of its device classification panels in deciding how to classify devices. Indeed, the House Committee that considered the legislation recognized that "data" supporting classification of devices was not intended to be limited to results of scientific experiments but should also include less formal evidence, other scientific information, or the judgments of experts. (House Committee on Interstate and Foreign Commerce, Medical Device Amendments of 1976, H. Rept. No. 94-853, 94th Congress, 2d. Session 40 (1976).) In many cases, FDA obtained additional information relevant to the classification of a device, summarized or cited this information in the proposal, and placed a copy of the information on file in the Hearing Clerk's office.

The agency does not believe that it is necessary for a classification proposal to include an exhaustive recitation of all data available on a device. When FDA obtained and relied on information in addition to, or other than, a Panel recommendation, the summary of the information in the proposal and the availability of the information in the Hearing Clerk's office, serve to inform interested persons of the basis for the proposed classification. This supplemental information is readily available to interested parties. In addition to being on public display in the Hearing Clerk's office, virtually all of the information is from the medical or scientific literature and is available in libraries.

The legislative history shows that Congress intended that the burden of providing evidence substantiating the safety and effectiveness of a medical device rests on the manufacturer (id.). A manufacturer who is dissatisfied with the data relied on by the Panel or by FDA in the classification proposal should submit any additional information that the manufacturer believes pertinent as part of its comments on the proposal.

2. Several comments stated that some neurological devices are similar or identical to devices that have been reviewed by other classification panels. One comment suggested that FDA postpone final classification of these neurological devices until the agency has published for comment the recommendations of the other panels

and the proposed regulations based on those recommendations.

FDA has attempted to do what the comment asks. Before publishing the neurological device classification proposals, FDA reviewed the recommendations from all of the classification panels to identify those devices reviewed by more than one panel. FDA found that 25 devices reviewed by the Neurological Device Classification Panel were essentially the same as devices reviewed by other classification panels. For 20 of these devices, FDA postponed publishing proposed classifications until the agency published the other panel's recommendations. For 5 neurological devices that also were reviewed by panels in addition to the Neurological Device Classification Panel, FDA published the Panels' recommendations as part of the proposals in the neurological device category.

FDA is continuing its efforts to consolidate panel recommendations concerning similar devices by attempting to identify these devices before publication of classification proposals, and by ensuring that each panel's recommendation is considered and published for comment before FDA promulgates final classification regulations for devices reviewed by more than one panel. In the **Federal Register** of March 6, 1979 (44 FR 12269), FDA published a notice of the availability of an index of classification regulations for medical devices. The index can be used by interested persons to determine the specific classification regulation for a device that was classified by more than one classification panel and to determine with which panel's classification regulations it will be published. FDA is, for instance, postponing publication of the final regulation for surgical sponges for internal use until after publication for comment of the recommendations on similar devices of the General and Plastic Surgery Device Classification Panel.

With respect to several neurological device classification proposals, FDA has changed the identification or name of the device to make clear that the regulation applies only to the neurological uses of the device. The devices are:

Electroencephalogram (ECG) telemetry system (Docket No. 78N–1031).
Powered cranial compound drill, burr, trephine, and accessories (Docket No. 78N–1050).
Powered cranial simple drill, burr, trephine and accessories (Docket No. 78N–1051).
Cranial drill handpiece (brace) (Docket No. 78N–1052).
Electric cranial drill motor (Docket No. 78N–1053.
Pneumatic cranial drill motor (Docket No. 78N–1054).
Self-retaining neurosurgical retractor (Docket No. 78N–1070).
Implanted malleable clip (Docket No. 78N–1081).

These changes should eliminate some of the ambiguity that prompted the comments.

3. A comment stated that FDA should offer a second comment period if the original proposal is substantially altered in response to comments, e.g., if the final regulation places a device in a classification category that differs from the proposed classification.

In the case of any proposed classification regulation in which FDA makes substantial changes in response to comments, FDA will consider whether a reproposal is legally required, or is desirable as a matter of policy. The agency declines to commit itself to publishing a reproposal each time the classification category into which a device is placed differs from the proposed classification. The agency will evaluate each case on its own merits. Interested persons may also petition for reclassification of a device under Subpart C of Part 860 (21 CFR Part 860), the classification procedures regulation. In view of the availablility of the reclassification process, in most cases it would be an unnecessary procedural step to republish a proposed classification regulation merely because the device in the final regulation is in a classification different from that proposed.

4. A comment expressed concern over the completeness of the list of devices reviewed by the Neurological Device Classification Panel and for which classification proposals were published and noted that there was no mention of wound drainage devices. The comment also stated that because electrosurgical devices have an important role in neurosurgery, separate classification of electrosurgical devices by the Neurological Device Classification Panel may be warranted.

This is a valid point. There may well be devices on the market that FDA is unaware of and that should have been reviewed by the Panel but were not. As these devices come to FDA's attention, the agency will refer them to the Panel for classification recommendations and publish proposed classification regulations. It should be noted, however, that many devices used in the neurological field also are used in other medical specialities. The agency will publish proposed classification regulations for many such devices later. For example, devices for wound drainage and electrosurgery are used in several surgical specialties besides neurosurgery. When the agency publishes the recommendations of the General and Plastic Surgery Device Classification Panel and a proposed classification regulation for each of these devices, the recommendations of all panels that reviewed these devices will be included. FDA realizes that the use of electrosurgical devices in neurosurgery may be somewhat different from their use in other medical specialties because of the critical and delicate nature of neurosurgery. However, FDA does not believe that the differences are sufficient to warrant separate classification.

5. A comment suggested that reusable devices (e.g., surgical instruments) that come into contact with the central nervous system be classified into class III (premarket approval), because certain viruses can be transmitted from one patient to another if the devices are not adequately sterilized between uses. The comment also suggested that implantable devices should not be reused except, perhaps, for expensive electronic neuroprostheses, for which change of the outer coating material might be made mandatory for reuse.

FDA rejects the comment. Reusable devices, such as surgical instruments, should be capable of being sterilized by the user following each use. FDA can require by general controls or standards that manufacturers assure that they are. However, it is the responsibility of the users of the devices to assure that the devices are properly sterilized before reuse, and requiring premarket approval of reuseable devices would do nothing to assure that users carry out this responsibility. With respect to implantable devices, the agency agrees that implantable devices should not be reused except in very limited circumstances. FDA is unaware of any implantable neurological device that is being marketed as reuseable. Therefore, the agency is not changing the proposed classification category for any implantable neurological device. In the future, if a manufacturer desires to market an implantable neurological device that can be reused, FDA may require that it undergo premarket approval before it is marketed.

6. A comment pointed out that FDA proposed to classify 66 neurological devices into class II (performance standards) and questioned whether standards could be generated for so many devices in a reasonable period of time.

FDA agrees that it would be difficult to promulgate individual performance

standards for 66 neurological devices in the near future. However, the agency believes that the length of time required to develop a performance standard should not prevent a device that meets the criteria for class II from being classified into this category. Classification of the device into class II signals FDA's intention eventually to promulgate standards for the device. Until the standards are promulgated for a class II device, FDA has the same degree of regulatory control over the device as it does over a class I device. Futhermore, an individual performance standard will not be necessary for each device classified into class II. For example, some devices are being classified into class II only because of concerns about electrical safety. FDA may adopt a single electrical safety standard that would apply to many devices that present such concerns. In addition, to reduce the risks presented by certain class II devices, FDA is exploring the possibility of using voluntary standards, rather than mandatory standards under section 514 of the act (21 U.S.C. 360d).

7. A comment said that FDA should consider the effect of the GMP regulation on the safety and effectiveness of devices before classifying devices in class II. The comment stated that FDA should identify, for each device to be classified in class II, the specific characteristics of the device that need to be controlled by standards because they cannot be controlled by good manufacturing practices or other general controls.

FDA agrees that the adequacy of good manufacturing practice or other general control requirements to control the safety and effectiveness of a device must be considered before classifying a device in class II. FDA attempted to do this in the case of each class II recommendation. The agency does not agree that the characteristics of a device that need to be controlled by a performance standard need to be identified in the proposal to classify the device in class II. The Panel recommendation and classification proposal advise interested persons of many of the device characteristics that a performance standard should address. However, the Panel did not, and could not, always identify all possible risks to health presented by a device. The law does not require FDA to identify specifically the risks to be controlled by a performance standard until FDA publishes a notice under section 514(c) of the act inviting interested persons to submit existing standards or offers to develop proposed standards. FDA may, for neurological devices classified in class II, identify additional risks to health, or device characteristics, that need to be addressed by performance standards in notices published under section 514(c).

List of Neurological Devices

The following is a list of neurological devices being classified in final regulations published elsewhere in this issue of **Federal Register**. The list shows the section in the Code of Federal Regulations under which the regulation classifying the device is being codified, the docket number of the classification regulation, and the classification of each device.

Subpart B—Neurological Diagnostic Devices

Section	Device	Docket No.	Class
882.1020	Rigidity analyzer	78N-1001	II
882.1030	Ataxiagraph	78N-1002	I
882.1200	Two-point discriminator	78N-1003	I
882.1240	Echoencephalograph	78N-1004	II
882.1275	Electroconductive media	78N-1005	II
882.1310	Cortical electrode	78N-1006	II
882.1320	Cutaneous electrode	78N-1007	II
882.1330	Depth electrode	78N-1008	II
882.1340	Nasopharyngeal electrode	78N-1009	II
882.1350	Needle electrode	78N-1010	II
882.1400	Electroencephalograph	78N-1011	II
882.1410	Electroencephalograph electrode/lead tester	78N-1012	II
882.1420	Electroencephalogram (EEG) signal spectrum analyzer	78N-1013	I
882.1430	Electroencephalograph test signal generator	78N-1014	I
882.1460	Nystagmograph	78N-1015	II
882.1480	Neurological endoscope	78N-1016	II
882.1500	Esthesiometer	78N-1017	I
882.1525	Tuning fork	78N-1018	I
882.1540	Galvanic skin response measurement device	78N-1019	II
882.1550	Nerve conduction velocity measurement device	78N-1020	II
882.1560	Skin potential measurement device	78N-1021	II
882.1570	Powered direct-contact temperature measurement device	78N-1022	II
882.1610	Alpha monitor	78N-1023	II
882.1620	Intracranial pressure monitoring device	78N-1024	II
882.1700	Percussor	78N-1025	I
882.1750	Pinwheel	78N-1026	I
882.1790	Ocular plethysmograph	78N-1027	III
882.1825	Rheoencephalograph	78N-1028	III
882.1835	Physiological signal amplifier	78N-1029	II
882.1945	Physiological signal conditioner	78N-1030	II
882.1855	Electroencephalogram (EEG) telemetry system	78N-1031	II
882.1870	Evoked response electrical stimulator	78N-1032	II
882.1880	Evoked response mechanical stimulator	78N-1033	II
882.1890	Evoked response photic stimulator	78N-1034	II
882.1900	Evoked response auditory stimulator	78N-1035	II
882.1925	Ultrasonic scanner calibration test block	76N-1036	I
882.1950	Tremor transducer	78N-1037	II

Subparts C-D [Reserved]

Subpart E—Neurological Surgical Devices

Section	Device	Docket No.	Class
882.4030	Skull plate anvil	78N-1038	I
882.4060	Ventricular cannula	78N-1039	I
882.4100	Ventricular catheter	78N-1040	II
882.4125	Neurosurgical chair	78N-1041	I
882.4150	Scalp clip	78N-1042	II
882.4175	Aneurysm clip applier	78N-1043	II
882.4190	Clip forming/cutting instrument	78N-1044	I
882.4200	Clip removal instrument	78N-1045	I
882.4215	Clip rack	78N-1046	I

Section	Device	Docket No.	Class
882.4250	Cryogenic surgical device	78N-1047	II
882.4275	Dowel cutting instrument	78N-1048	II
882.4300	Manual cranial drill, burr, trephine, and accessories	78N-1049	II
882.4305	Powered compound cranial drill, burr, trephine, and accessories.	78N-1050	II
882.4310	Powered simple cranial drill, burr, trephine, and accessories	78N-1051	II
882.4325	Cranial drill handpiece (brace)	78N-1052	II
882.4360	Electric cranial drill motor	78N-1053	II
882.4370	Pneumatic cranial drill motor	78N-1054	II
882.4400	Radiofrequency lesion generator	78N-1055	II
882.4440	Neurosurgical headrest	78N-1057	I
882.4460	Neurosurgical head holder (skull clamp)	78N-1058	II
882.4500	Cranioplasty material forming instrument	78N-1059	I
882.4525	Microsurgical instrument	78N-1061	I
882.4535	Nonpowered neurosurgical instrument	78N-1062	I
882.4545	Shunt system implantation instrument	78N-1063	I
882.4560	Stereotaxic instrument	78N-1064	II
882.4600	Leukotome	78N-1065	I
882.4650	Neurosurgical suture needle	78N-1066	I
882.4700	Cottonoid paddie	78N-1067	II
882.4725	Radiofrequency lesion probe	78N-1068	II
882.4750	Skull punch	78N-1069	I
882.4800	Self-retaining retractor for neurosurgery	78N-1070	II
882.4840	Manual rongeur	78N-1071	II
882.4845	Powered rongeur	78N-1072	II
882.4900	Skullplate screwdriver	78N-1073	I

Subpart F—Neurological Therapeutic Devices

Section	Device	Docket No.	Class
882.5030	Methyl methacrylate for aneurysmorrhaphy	78N-1075	II
882.5050	Biofeedback device	78N-1076	II
882.5070	Bite block	78N-1077	II
882.5150	Intravascular occluding catheter	78N-1078	III
882.5175	Carotid artery clamp	78N-1079	II
882.5200	Aneurysm clip	78N-1080	II
882.5225	Implanted malleable clip	78N-1081	II
882.5235	Aversive conditioning device	78N-1082	II
882.5250	Burr hole cover	78N-1083	II
882.5275	Nerve cuff	78N-1084	II
882.5300	Methyl methacrylate for cranioplasty	78N-1085	II
882.5320	Preformed alterable cranioplasty plate	78N-1086	II
882.5330	Preformed nonalterable cranioplasty plate	78N-1087	II
882.5360	Cranioplasty plate fastener	78N-1088	II
882.5500	Lesion temperature monitor	78N-1089	II
882.5550	Central nervous system fluid shunt and components	78N-1090	II
882.5800	Cranial electrotherapy stimulator	78N-1091	III
882.5810	External functional neuromuscular stimulator	78N-1092	II
882.5820	Implanted cerebellar stimulator	78N-1093	III
882.5830	Implanted diaphragmatic/phrenic nerve stimulator	78N-1094	III
882.5840	Implanted intracerebral/subcortical stimulator for pain relief	78N-1095	III
882.5850	Implanted spinal cord stimulator for bladder evacuation	78N-1096	III
882.5860	Implanted neuromuscular stimulator	78N-1097	III
882.5870	Implanted peripheral nerve stimulator for pain relief	78N-1098	II
882.5880	Implanted spinal cord stimulator for pain relief	78N-1099	II
882.5890	Transcutaneous electrical nerve stimulator for pain relief	78N-1100	II
882.5900	Preformed craniosynostosis strip	78N-1101	II
882.5910	Dura substitute	78N-1102	II
882.5940	Electroconvulsive therapy device	78N-1103	III
882.5950	Artificial embolization device	78N-1104	III
882.5960	Skull tong for traction	78N-1105	II

Patient Information

FDA is considering requiring the development and dissemination of information for patients and consumers about the uses, benefits, and risks of medical devices. For example, patient information has already been required or approved by FDA for intrauterine devices and hearing aids. In addition, the Bureau of Radiological Health is conducting a consumer education program on x-rays that includes posters on the effects of radiation during pregnancy and the distribution of x-ray record cards.

FDA believes that patient information is needed if: (1) There is a choice among alternatives of which the patient should be aware; (2) There are substantial risks or discomforts associated with the product; (3) The cost of the product is significant; (4) There is a need for the patient to strictly adhere to a specific treatment regimen; and (5) There is substantial public or professional controversy about the device or its related procedures.

FDA can require that manufacturers make medical device information available to providers for their use and the use of their patients through the premarket approval or standards setting processes as well as the general control provisions of the Federal Food, Drug, and Cosmetic Act. The mechanisms available to FDA to provide patient information for devices include: (1) Labeling for restricted and nonrestricted devices; (2) Patient package inserts and provider information; and (3) Consumer and patient education programs.

FDA has tentatively identified several neurological devices for which patient information may be required. Other neurological devices may be identified in the future, after the criteria for selection of devices needing patient information have been further refined. The devices that have been identified so far are listed below:

Device	Docket No.
Central nervous system fluid shunts and components	78N-1090
External functional neuromuscular stimulator	78N-1092
Implanted cerebellar stimulator	78N-1093
Implanted diaphragmatic/phrenic nerve stimulator	78N-1094
Implanted intracerebral/subcortical stimulator for pain relief	78N-1095
Implanted spinal cord stimulator for bladder evacuation	78N-1096
Implanted neruromuscular stimulator	78N-1097
implanted peripheral nerve stimulator for pain relief	78N-1098
Implanted spinal cord stimulator for pain relief	78N-1099
Electroconvulsive therapy device	78N-1103

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs amends Chapter I of Title 21 of the Code of Federal Regulations by adding new Part 882, Subpart A, to read as follows:

PART 882—NEUROLOGICAL DEVICES

Subpart A—General Provisions

Sec.

882.1 Scope.

Authority: Secs. 513 and 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360C, 701(a)).

Subpart A—General Provisions

§ 882.1 Scope.

(a) This part sets forth the classification of neurological devices intended for human use.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under Part 807 of this chapter may not show merely that the device is accurately described by the section title and identification provision of a regulation in this part, but shall state why the device is substantially equivalent to other devices, as required by § 807.87 of this chapter.

(c) To avoid duplicative listings, a neurological device that has two or more types of uses (e.g., use both as a diagnostic device and as a therapeutic device) is listed in the subpart representing one use of the device, rather than in two or more subparts.

Effective date. This regulation is effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26791 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1001]

Neurological Devices; Classification of Rigidity Analyzers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying rigidity analyzers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55645) a proposed regulation to classify rigidity analyzers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 by adding Subpart B and § 882.1020, to read as follows:

Subpart B—Neurological Diagnostic Devices

§ 882.1020 Rigidity analyzer.

(a) *Identification.* A rigidity analyzer is a device for quantifying the extent of the rigidity of a patient's limb to determine the effectiveness of drugs or other treatments.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26792 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1002]

Neurological Devices; Classification of Ataxiagraphs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ataxiagraphs into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55646) a proposed regulation to classify ataxiagraphs into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1030, to read as follows:

§ 882.1030 Ataxiagraph.

(a) *Identification.* An ataxiagraph is a device to determine the extent of ataxia (failure of muscular coordination) by measuring the amount of swaying of the body when the patient is standing erect and with eyes closed.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26793 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1003]

Neurological Devices; Classification of Two-Point Discriminators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying two-point discriminators into class I (general controls) and exempting manufacturers of the device from the good manufacturing practice regulation. The effect of this rule is to require that the device meet only the general controls applicable to all devices, except for the good manufacturing practice regulation. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55646) a proposed regulation to classify two-point discriminators into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA proposed that this device be exempt from the good manufacturing practice (GMP) requirements in Part 820 (21 CFR Part 820), including the recordkeeping and reporting requirements in Part 820. FDA has determined that exemption of devices from the GMP requirements should not extend to § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, or § 820.198 (21 CFR 820.198), with respect to complaint files. The agency believes that granting exemptions from these sections would not be in the public interest, and that compliance with these sections is not unduly burdensome for device manufacturers. FDA is, however, exempting the device from all other sections of the GMP regulations. Accordingly, the proposed rule is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1200, to read as follows:

§ 882.1200 Two-point discriminator.

(a) *Identification.* A two-point discriminator is a device with points used for testing a patient's touch discrimination.

(b) *Classification.* Class I (general controls). The device is exempt from the good manufacturing practice regulation in Part 820 of this chapter, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26794 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1004]

Neurological Devices; Classification of Echoencephalographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying echoencephalographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55647) a proposed regulation to classify echoencephalographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1240, to read as follows:

§ 882.1240 Echoencephalograph.

(a) *Identification.* An echoencephalograph is an ultrasonic scanning device (including A-scan, B-scan, and doppler systems) that uses noninvasive transducers for measuring intracranial interfaces and blood flow velocity to and in the head.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26795 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1005]

Neurological Devices; Classification of Electroconductive Media

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electroconductive media into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55648) a proposed regulation to classify electroconductive media into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1275, to read as follows:

§ 882.1275 Electroconductive media.

(a) *Identification.* Electroconductive media are the conductive creams or gels used with external electrodes to reduce the impedance (resistance to alternating current) of the contact between the electrode surface and the skin.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26796 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1006]

Neurological Devices; Classification of Cortical Electrodes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cortical electrodes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55649) a proposed regulation to classify cortical electrodes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

Two comments were received. The comments suggested that any invasive device (e.g., cortical electrodes) may be capable of transmitting from patient to patient viral diseases of the central nervous system if the device is reuseable. One of the comments suggested that these devices be classified into class III (premarket approval) because of this risk.

The agency believes that the risk of transmitting central nervous system diseases from patient to patient by cortical electrodes can be avoided by requiring in a performance standard that cortical electrodes either be disposable (single-use only) or capable of being repeatedly sterilized by the user. Therefore, the agency rejects the comment to classify cortical electrodes in class III. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1310, to read as follows:

§ 882.1310 Cortical electrode.

(a) *Identification.* A cortical electrode is an electrode which is temporarily placed on the surface of the brain for stimulating the brain or recording the brain's electrical activity.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26797 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1007]

Neurological Devices; Classification of Cutaneous Electrodes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cutaneous electrodes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a

proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55650) a proposed regulation to classify cutaneous electrodes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No comments were received that objected to classifying cutaneous electrodes into class II. However, one comment pointed out that electrodes that come into contact with abraded skin or blood (e.g., cutaneous electrodes) may transmit viral diseases and should therefore be capable of being sterilized.

As was stated in the preamble to the proposed general provisions for neurological devices (43 FR 55640), the agency recognizes that all possible risks to health presented by neurological devices may not have been identified in the classification recommendations and the proposed FDA regulations. Future regulations establishing performance standards under section 514 of the act (21 U.S.C. 360d) may identify other risks to health that are to be addressed by FDA requirements in addition to those identified in the classification recommendations and regulations. The risk of transmitting viral diseases because of electrodes that are not sterile will be considered along with other risks to health presented by cutaneous electrodes when the agency proposes to establish performance standards for cutaneous electrodes. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1320, to read as follows:

§ 882.1320 Cutaneous electrode.

(a) *Identification.* A cutaneous electrode is an electrode that is applied directly to a patient's skin either to record physiological signals (e.g., the electroencephalogram) or to apply electrical stimulation.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26798 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1008]

Neurological Devices; Classification of Depth Electrodes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying depth electrodes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55650) a proposed regulation to classify depth electrodes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

Two comments suggested that a depth electrode may be capable of transmitting from patient to patient viral diseases of the central nervous system if the device is reuseable. One of the comments suggested that depth electrodes be classified into class III (premarket approval) because of this risk.

The agency believes that the risk of transmitting central nervous system diseases from patient to patient by depth electrodes can be avoided by requiring in a performance standard that depth electrodes be either disposable (single-use only) or capable of being repeatedly sterilized by the user. Therefore, the agency rejects the comment to classify depth electrodes in class III. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1330, to read as follows:

§ 882.1330 Depth electrode.

(a) *Identification.* A depth electrode is an electrode used for temporary stimulation of, or recording electrical signals at, subsurface levels of the brain.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26799 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1009]

Neurological Devices; Classification of Nasopharyngeal Electrodes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying nasopharyngeal electrodes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations

classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55651) a proposed regulation to classify nasopharyngeal electrodes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No comments were received that objected to classifying nasopharyngeal electrodes into class II. However, one comment pointed out that electrodes that come into contact with abraded skin or blood (e.g., nasopharyngeal electrodes) may transmit viral disease and should therefore be capable of being sterilized.

As was stated in the preamble to the proposed general provisions for neurological devices (43 FR 55640), the agency recognizes that all possible risks to health presented by neurological devices may not have been identified in the classification recommendation and the proposed FDA regulations. Future regulations establishing performance standards under section 514 of the act (21 U.S.C. 360d) may identify other risks to health that are to be addressed by FDA requirements in addition to those identified in the classification recommendations and regulations. The risk of transmitting viral diseases because of electrodes that are not sterile will be considered along with other risks to health presented by nasopharyngeal electrodes when the agency proposes to establish performance standards for nasopharyngeal electrodes. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1340, to read as follows:

§ 882.1340 Nasopharyngeal electrode.

(a) *Identification.* A nasopharyngeal electrode is an electrode which is temporarily placed in the nasopharyngeal region for the purpose of recording electrical activity.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26800 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1010]

Neurological Devices; Classification of Needle Electrodes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying needle electrodes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55652) a proposed regulation to classify needle electrodes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

Two comments suggested that a needle electrode may be capable of transmitting from patient to patient viral diseases of the central nervous system if the device is reuseable. One of the comments suggested that needle electrodes be classified into class III (premarket approval) because of this risk.

The agency believes that the risk of transmitting central nervous system diseases from patient to patient by needle electrodes can be avoided by requiring in a performance standard that needle electrodes be either disposable (single-use only) or capable of being repeatedly sterilized by the user. Therefore, the agency rejects the comment to classify needle electrodes in class III. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1350, to read as follows:

§ 882.1350 Needle electrode.

(a) *Identification.* A needle electrode is a device which is placed subcutaneously to stimulate or to record electrical signals.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26801 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1011]

Neurological Devices; Classification of Electroencephalographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electroencephalographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations

classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55653) a proposed regulation to classify electroencephalographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1400, to read as follows:

§ 882.1400 Electroencephalograph.

(a) *Identification.* An electroencephalograph is a device used to measure and record the electrical activity of the patient's brain obtained by placing two or more electrodes on the head.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26802 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1012]

Neurological Devices; Classification of Electroencephalograph Electrode/Lead Testers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electroencephalograph electrode/lead testers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55653) a proposed regulation to classify electroencephalograph electrode/lead testers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1410, to read as follows:

§ 882.1410 Electroencephalograph electrode/lead tester.

(a) *Identification.* An electroencephalograph electrode/lead tester is a device used for testing the impedance (resistance to alternating current) of the electrode and lead system of an electroencephalograph to assure that an adequate contact is made between the electrode and the skin.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26803 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1013]

Neurological Devices; Classification of Electroencephalogram (EEG) Signal Spectrum Analyzers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electroencephalogram (EEG) signal spectrum analyzers into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55654) a proposed regulation to classify electroencephalogram (EEG) signal spectrum analyzers into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1420, to read as follows:

§ 882.1420 Electroencephalogram (EEG) signal spectrum analyzer.

(a) *Identification.* An electroencephalogram (EEG) signal spectrum analyzer is a device used to display the frequency content or power

spectral density of the electroencephalogram (EEG) signal.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26804 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1014]

Neurological Devices; Classification of Electroencephalograph Test Signal Generators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electroencephalograph test signal generators into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55655) a proposed regulation to classify electroencephalograph test signal generators into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1430, to read as follows:

§ 882.1430 Electroencephalograph test signal generator.

(a) *Identification.* An electroencephalograph test signal generator is a device used to test or calibrate an electroencephalograph.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26805 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1015]

Neurological Devices; Classification of Nystagmographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying nystagmographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55655) a proposed regulation to classify nystagmographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1460, to read as follows:

§ 882.1460 Nystagmograph.

(a) *Identification.* A nystagmograph is a device used to measure, record, or visually display the involuntary movements (nystagmus) of the eyeball.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-25806 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1016]

Neurological Devices; Classification of Neurological Endoscopes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying neurological endoscopes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia

Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55656) a proposed regulation to classify neurological endoscopes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1480, to read as follows:

§ 882.1480 Neurological endoscope.

(a) *Identification.* A neurological endoscope is an instrument with a light source used to view the inside of the ventricles of the brain.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26807 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1017]

Neurological Devices; Classification of Esthesiometers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying esthesiometers into class I (general controls) and exempting manufacturers of the device from the good manufacturing practice regulation. The effect of this rule is to require that the device meet only the general controls applicable to all devices, except for the good manufacturing practice regulation. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55657) a proposed regulation to classify esthesiometers into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA proposed that this device be exempt from the good manufacturing practice (GMP) requirements in Part 820 (21 CFR Part 820), including the recordkeeping and reporting requirements in Part 820. FDA has determined that exemption of devices from the GMP requirements should not extend to § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, or § 820.198 (21 CFR 820.198), with respect to complaint files. The agency believes that granting exemptions from these sections would not be in the public interest, and that compliance with these sections is not unduly burdensome for device manufacturers. FDA is, however, exempting the device from all other sections of the GMP regulations. Accordingly, the proposed rule is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1500, to read as follows:

§ 882.1500 Esthesiometer.

(a) *Identification.* An esthesiometer is a mechanical device which usually consists of a single rod or fiber which is held in the fingers of the physician or other examiner and which is used to determine whether a patient has tactile sensitivity.

(b) *Classification.* Class I (general controls). The device is exempt from the good manufacturing practice regulation in Part 820 of this chapter, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26808 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1018]

Neurological Devices; Classification of Tuning Forks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying tuning forks into class I (general controls) and exempting manufacturers of the device from the good manufacturing practice regulation. The effect of this rule is to require that the device meet only the general controls applicable to all devices, except for the good manufacturing practice regulation. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55656) a proposed regulation to classify tuning forks into class I (general controls). A

period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA proposed that this device be exempt from the good manufacturing practice (GMP) requirements in Part 820 (21 CFR Part 820), including the recordkeeping and reporting requirements in Part 820. FDA has determined that exemption of devices from the GMP requirements should not extend to § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, or § 820.198 (21 CFR 820.198), with respect to complaint files. The agency believes that granting exemptions from these sections would not be in the public interest, and that compliance with these sections is not unduly burdensome for device manufacturers. FDA is, however, exempting the device from all other sections of the GMP regulations. Accordingly, the proposed rule is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1525, to read as follows:

§ 882.1525 Tuning fork.

(a) *Identification.* A tuning fork is a mechanical device which resonates at a given frequency and is used to diagnose hearing disorders and to test for vibratory sense.

(b) *Classification.* Class I (general controls). The device is exempt from the good manufacturing practice regulation in Part 820 of this chapter, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26809 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1019]

Neurological Devices; Classification of Galvanic Skin Response Measurement Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying galvanic skin response measurement devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulation classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55658) a proposed regulation to classify galvanic skin response measurement devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1540, to read as follows:

§ 882.1540 Galvanic skin response measurement device.

(a) *Identification.* A galvanic skin response measurement device is a device used to determine autonomic responses as psychological indicators by measuring the electrical resistance of the skin and the tissue path between two electrodes applied to the skin.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26810 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1020]

Neurological Devices; Classification of Nerve Conduction Velocity Measurement Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying nerve conduction velocity measurement devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55659) a proposed regulation to classify nerve conduction velocity measurement devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device.

Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1550, to read as follows:

§ 882.1550 Nerve conduction velocity measurement device.

(a) *Identification.* A nerve conduction velocity measurement device is a device which measures nerve conduction time by applying a stimulus, usually to a patient's peripheral nerve. This device includes the stimulator and the electronic processing equipment for measuring and displaying the nerve conduction time.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26811 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1021]

Neurological Devices; Classification of Skin Potential Measurement Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying skin potential measurement devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55660) a proposed regulation to classify skin potential measurement devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1560, to read as follows:

§ 882.1560 Skin potential measurement device.

(a) *Identification.* A skin potential measurement device is a general diagnostic device used to measure skin voltage by means of surface skin electrodes.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26812 Filed 8-31-79; 8:45 am]

Billing Code 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1022]

Neurological Devices; Classification of Powered Direct-Contact Temperature Measurement Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying powered direct-contact temperature measurement devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55661) a proposed regulation to classify powered direct-contact temperature measurement devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1570, to read as follows:

§ 882.1570 Powered direct-contact temperature measurement device.

(a) *Identification.* A powered direct-contact temperature measurement device is a device which contains a power source and is used to measure differences in temperature between two points on the body.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26813 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1023]

Neurological Devices; Classification of Alpha Monitors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying alpha monitors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55662) a proposed regulation to classify alpha monitors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1610, to read as follows:

§ 882.1610 Alpha monitor.

(a) *Identification.* An alpha monitor is a device with electrodes that are placed on a patient's scalp to monitor that portion of the electroencephalogram which is referred to as the alpha wave.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26814 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1024]

Neurological Devices; Classification of Intracranial Pressure Monitoring Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying intracranial pressure monitoring devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55662) a proposed regulation to classify intracranial pressure monitoring devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment suggested that any invasive device, such as an intracranial pressure (ICP) monitoring device, may be capable of transmitting from patient to patient viral diseases of the central nervous system if the device is reuseable. The comment suggested that these devices be classified into class III (premarket approval) because of this risk.

The agency believes that the risk of transmitting central nervous system disease from patient to patient by intracranial pressure monitoring devices can be avoided by requiring in a performance standard that intracranial pressure monitoring devices either be disposable (single-use only) or capable of being repeatedly sterilized by the user. Therefore, the agency rejects the comment to classify intracranial pressure monitoring devices in class III.

Another comment agreed with classifying intracranial pressure monitoring devices in class II but suggested that the development of a performance standard be a high priority for the devices instead of a low priority as proposed because of the increasing use of ICP monitoring and the proliferation of types of ICP monitoring devices.

On February 23, 1979, FDA referred this comment to the Neurological Section of the Respiratory and Nervous System Devices Panel (formerly the Neurological Device Classification Panel). The Panel agreed with the comment and recommended that the priority for development of performance standards for intracranial pressure monitoring devices be changed to "high." As was stated in the preamble to the proposed general provisions for neurological devices (43 FR 55640), the agency is not proposing at this time to establish priorities for development of performance standards for class II devices. At a later date, the agency will establish priorities for the development of performance standards for class II devices based on the classification panel's recommendations, available resources, and other relevant factors. Accordingly, the proposed regulation is being adopted as written.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1620, to read as follows:

§ 882.1620 Intracranial pressure monitoring device.

(a) *Identification.* An intracranial pressure monitoring device is a device used for short-term monitoring and recording of intracranial pressures and pressure trends. The devices includes the transducer, monitor, and interconnecting hardware.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26815 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1025]

Neurological Devices: Classification of Percussors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying percussors into class I (general controls) and exempting manufacturers of the device from the good manufacturing practice regulation. The effect of this rule is to require that the device meet only the general controls applicable to all devices, except for the good manufacturing practice regulation. This action is being taken under the Medical Device Amendment of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55664) a proposed regulation to classify percussors into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA proposed that this device be exempt from the good manufacturing practice (GMP) requirements in Part 820 (21 CFR Part 820) including the recordkeeping and reporting requirements in Part 820. FDA has determined that exemption of devices from the GMP requirements should not extend to § 820.180 (21 CFR 820.180), with respect to general requirements concerning records, or § 820.198 (21 CFR 820.198), with respect to complaint files. The agency believes that granting exemptions from these sections would not be in the public interest, and that compliance with these sections is not unduly burdensome for device manufacturers. FDA is, however, exempting the device from all other sections of the GMP regulations. Accordingly, the proposed rule is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1700, to read as follows:

§ 882.1700 Percussor.

(a) *Identification.* A percussor is a small hammerlike device used by a physician to provide light blows to a body part. A percussor is used as a diagnostic aid during physical examinations.

(b) *Classification.* Class I (general controls). The device is exempt from the good manufacturing practice regulation in Part 820 of this chapter, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26816 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1026]

Neurological Devices; Classification of Pinwheels

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pinwheels into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55664) a proposed regulation to classify pinwheels into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1750, to read as follows:

§ 882.1750 Pinwheel.

(a) *Identification.* A pinwheel is a device with sharp points on a rotating wheel used for testing pain sensation.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26817 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1027]

Neurological Devices; Classification of Ocular Plethysmographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ocular plethysmographs into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55665) a proposed regulation to classify ocular plethysmographs into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received. The comment disagreed with the reasons given for classifying ocular plethysmographs into class III. The comment asserted that the pneumoplethysmographic technique has been shown to be very effective in several recent studies and has a low incidence of complications. The comment also stated that the other techniques of ocular plethysmography are not as good as the pneumoplethysmographic technique, and that they may be difficult to apply and the results difficult to interpret. The comment also disagreed that carotid compression is a major hazard when using the pneumoplethysmographic technique because carotid compression is infrequently used and, when used, is safe if done by those experienced in its use.

FDA agrees that some of the ocular plethysmograph devices are more effective than others. The fact that a device is effective, however, is not a reason for classifying it in class I or II. As a group, ocular plethysmographs are devices that present a potential unreasonable risk of illness or injury to the patient. FDA concluded that there is insufficient information to establish a performance standard that would assure the safety and effectiveness of ocular plethysmographs and, for this reason, that the devices should be classified in class III. This conclusion does not preclude approval of a premarket approval application for a particular ocular plethysmograph device. Accordingly, the proposed rule is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1790, to read as follows:

§ 882.1790 Ocular plethysmograph.

(a) *Identification.* An ocular plethysmograph is a device used to measure or detect volume changes in the eye produced by pulsations of the artery, to diagnose carotid artery occlusive disease (restrictions on blood flow in the carotid artery).

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26818 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1028]

Neurological Devices; Classification of Rheoencephalographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying rheoencephalographs into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982 or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55666) a proposed regulation to classify rheoencephalographs into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1825, to read as follows:

§ 882.1825 Rheoencephalograph.

(a) *Identification.* A rheoencephalograph is a device used to estimate a patient's cerebral circulation (blood flow in the brain) by electrical inpedance methods with direct electrical connections to the scalp or neck area.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26819 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1029]

Neurological Devices; Classification of Physiological Signal Amplifiers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying physiological signal amplifiers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55667) a proposed regulation to classify physiological signal amplifiers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1835, to read as follows:

§ 882.1835 Physiological signal amplifier.

(a) *Identification.* A physiological signal amplifier is a general purpose device used to electrically amplify signals derived from various physiological sources (e.g., the electroencephalogram).

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26820 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1030]

Neurological Devices; Classification of Physiological Signal Conditioners

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying physiological signal conditioners into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55666) a proposed regulation to classify physiological signal conditioners into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1845, to read as follows:

§ 882.1845 Physiological signal conditioner.

(a) *Identification.* A physiological signal conditioner is a device such as an integrator or differentiator used to modify physiological signals for recording and processing.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26821 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1031]

Neurological Devices: Classification of Electroencephalogram (EEG) Telemetry Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electroencephalogram (EEG) telemetry systems into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55668) a

proposed regulation to classify physiological signal telemetry systems into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment agreed with the proposal to classify physiological signal telemetry systems into class II and pointed out the danger of inherent leakage currents that are present when telephone telemetry systems are used.

The agency agrees with the comment that electrical leakage current is a potential hazard of using telephone telemetry systems.

The agency has made minor changes to the name and identification of this device to make it clear that the rule applies to those devices used to transmit the electroencephalogram (EEG). Separate proposals have recently been published (44 FR 13358 and 13359; March 9, 1979) for telemetry transmitters and receivers used to transmit cardiovascular signals. Accordingly, the proposed regulation is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1855, to read as follows:

§ 882.1855 Electroencephalogram (EEG) telemetry system.

(a) *Identification.* An electroencephalogram (EEG) telemetry system consists of transmitters, receivers, and other components used for remotely monitoring or measuring EEG signals by means of radio or telephone transmission systems.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26822 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1032]

Neurological Devices; Classification of Evoked Response Electrical Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying evoked response electrical stimulators into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55669) a proposed regulation to classify evoked response electrical stimulators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1870, to read as follows:

§ 882.1870 Evoked response electrical stimulator.

(a) *Identification.* An evoked response electrical stimulator is a device used to apply an electrical stimulus to a patient by means of skin electrodes for the purpose of measuring the evoked response.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26823 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1033]

Neurological Devices: Classification of Evoked Response Mechanical Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying evoked response mechanical stimulators into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55670) a proposed regulation to classify evoked response mechanical stimulators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1880, to read as follows:

§ 882.1880 Evoked response mechanical stimulator.

(a) *Identification.* An evoked response mechanical stimulator is a device used to produce a mechanical stimulus or a series of mechanical stimuli for the purpose of measuring a patient's evoked response.

(b) *Classification.* Class II (performance standards).

Effective date. This regulaton shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26824 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1034]

Neurological Devices; Classification of Evoked Response Photic Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying evoked response photic stimulators into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55671) a proposed regulation to classify evoked response photic stimulators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment pointed out that the identification for evoked response photic stimulators did not include the so-called "pattern-shift generator" that presents to the patient a shifting pattern on a television screen. The comment also pointed out that the pattern-shift generators used in evoked response measurements could be hazardous because the shifting pattern might evoke an epileptic seizure in some epileptic patients.

The agency agrees that minor changes should be made in the language used in the identification of the evoked response photic stimulator to make it clear that it includes the pattern-shift devices. The agency acknowledges the health hazard identified in the comment. Accordingly, the proposed regulation is adopted with the changes noted.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1890, to read as follows:

§ 882.1890 Evoked response photic stimulator.

(a) *Identification.* An evoked response photic stimulator is a device used to generate and display a shifting pattern or to apply a brief light stimulus to a patient's eye for use in evoked response measurements or for electroencephalogram (EEG) activation.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26825 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1035]

Neurological Devices; Classification of Evoked Response Auditory Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying evoked response auditory stimulators into class II (performance standards). The effect of classifying a device into Class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55672) a proposed regulation to classify evoked response auditory stimulators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1900, to read as follows:

§ 882.1900 Evoked response auditory stimulator.

(a) *Identification.* An evoked response auditory stimulator is a device that produces a sound stimulus for use in evoked response measurements or electroencephalogram activation.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26826 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1036]

Neurological Devices; Classification of Ultrasonic Scanner Calibration Test Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ultrasonic scanner calibration test blocks into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55672) a proposed regulation to classify ultrasonic scanner calibration test blocks into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adoped without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1925, to read as follows:

§ 882.1925 Ultrasonic scanner calibration test block.

(a) *Identification.* An ultrasonic scanner calibration test block is a block of material with known properties used to calibrate ultrasonic scanning devices (e.g., the echoencephalograph).

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26827 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1037]

Neurological Devices; Classification of Tremor Transducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying tremor transducers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55673) a proposed regulation to classify tremor transducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart B by adding new § 882.1950, to read as follows:

§ 882.1950 Tremor transducer.

(a) *Identification.* A tremor transducer is a device used to measure the degree of tremor caused by certain diseases.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26828 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1038]

Neurological Devices; Classification of Skull Plate Anvils

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying skull plate anvils into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55674) a proposed regulation to classify skull plate anvils into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed

regulation to classifying this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 by adding new Subpart E and § 882.4030, to read as follows:

Subparts C and D—[Reserved]

Subpart E—Neurological Surgical Devices

§ 882.4030 Skull plate anvil.

(a) *Identification.* A skull plate anvil is a device used to form alterable skull plates in the proper shape to fit the curvature of a patient's skull.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26829 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1039]

Neurological Devices; Classification of Ventricular Cannulas

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ventricular cannulas into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55674) a proposed regulation to classify ventricular cannulas into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4060, to read as follows:

§ 882.4060 Ventricular cannula.

(a) *Identification.* A ventricular cannula is a device used to puncture the ventricles of the brain for aspiration or for injection. This device is frequently referred to as a ventricular needle.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26830 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1040]

Neurological Devices; Classification of Ventricular Catheters

AGENCY: The Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ventricular catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55675) a proposed regulation to classify ventricular catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received. The comment suggested that the ventricular catheter be classified into class I because the risks to health identified for the device are the same as those identified for the ventricular cannula, which the agency proposed to classify in class I (43 FR 55674). The comment noted that the only explanation for the difference in the classification of the two devices was that the ventricular catheter may be left in the patient longer than the venticular cannula.

The agency disagrees with the comment. The agency proposed that the ventricular catheter and the ventricular cannula be classified in different classes because the characteristics of the devices that present risks to the patient are different and they require different levels of control. For instance, metal ventricular cannulas can be adequately controlled by general controls because it is relatively easy for the user to determine by inspection if the device has design or construction flaws. However, the user cannot easily determine by inspection whether a flexible catheter constructed of a polymeric substance may deteriorate while in use. The agency believes that a standard that controls the type of material used in the ventricular catheter and the performance of the device is necessary to provide reasonable assurance that the device will function properly without unnecessary risk to the patient. Accordingly, the proposed rule is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the

Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4100, to read as follows:

§ 882.4100 Ventricular catheter.

(a) *Identification.* A ventricular catheter is a device used to gain access to the cavities of the brain for injection of material into, or removal of material from, the brain.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26831 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1041]

Neurological Devices; Classification of Neurosurgical Chairs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying neurosurgical chairs into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55676) a proposed regulation to classify neurosurgical chairs into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4125, to read as follows:

§ 882.4125 Neurosurgical chair.

(a) *Identification.* A neurosurgical chair is an operating room chair used to position and support a patient during neurosurgery.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26832 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1042]

Neurological Devices; Classification of Scalp Clips

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying scalp clips into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55676) a proposed regulation to classify scalp clips into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment suggested that the class of devices known as wound clips not be required to meet standards, as proposed for scalp clips. The comment noted that the pressure exerted by a wound clip is entirely under the control of the surgeon, and, therefore, the manufacturer cannot assure that the pressure that the clip applies to tissue is appropriate. The comment also suggested that separate standards should not be developed for wound clips and scalp clips if possible because separate standards may result in confusion, mutually exclusive requirements, and possible monetary waste.

The agency has considered publishing one regulation that would apply to both scalp clips and wound clips. However, the agency believes that devices known as scalp clips are different enough from wound clips so that a separate classification regulation is needed. A proposed classification regulation applicable to wound clips will be published separately later. The comment does not deal with scalp clips. Accordingly, the proposed regulation for scalp clips is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4150, to read as follows:

§ 882.4150 Scalp clip.

(a) *Identification.* A scalp clip is a plastic or metal clip used to stop bleeding during surgery on the scalp.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26833 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1043]

Neurological Devices; Classification of Aneurysm Clip Appliers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying aneurysm clip appliers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55677) a proposed regulation to classify aneurysm clip appliers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4175, to read as follows:

§ 882.4175 Aneurysm clip applier.

(a) *Identification.* An aneurysm clip applier is a device used by the surgeon for holding and applying intracranial aneurysm clips.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26834 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1044]

Neurological Devices; Classification of Clip Forming/Cutting Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying clip forming/cutting instruments into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55678) a proposed regulation to classify clip forming/cutting instruments into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4190, to read as follows:

§ 882.4190 Clip forming/cutting instrument.

(a) *Identification.* A clip forming/cutting instrument is a device used by the physician to make tissue clips from wire stock.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26835 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1045]

Neurological Devices; Classification of Clip Removal Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying clip removal instruments into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55678) a proposed regulation to classify clip removal instruments into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed

regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4200, to read as follows:

§ 882.4200 Clip removal instrument.

(a) *Identification.* A clip removal instrument is a device used to remove surgical clips from the patient.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26836 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1046]

Neurological Devices; Classification of Clip Racks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying clip racks into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55679) a proposed regulation to classify clip racks into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4215, to read as follows:

§ 882.4215 Clip rack.

(a) *Identification.* A clip rack is a device used to hold or store surgical clips during surgery.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26837 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1047]

Neurological Devices; Classification of Cryogenic Surgical Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cryogenic surgical devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55680) a proposed regulation to classify cryogenic surgical devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4250, to read as follows:

§ 882.4250 Cryogenic surgical device.

(a) *Identification.* A cryogenic surgical device is a device used to destroy nervous tissue or produce lesions in nervous tissue by the application of extreme cold to the selected site.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26838 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1048]

Neurological Devices; Classification of Dowel Cutting Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying dowel cutting instruments into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the

safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55680) a proposed regulation to classify dowel cutting instruments into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received. The comment disagreed with the proposal to classify dowel cutting instruments into class I and suggested that the device be classified into class II instead. The comment noted that the cutting teeth on the device may lacerate pelvic muscle and cause hemorrhage if the device uncontrollably plunges through the inner table of the bone and strikes pelvic structures. A performance standard should address the risk of uncontrollable plunging of the device and the means used by the instrument to control the bone dowel after it has been cut so that it may be retrieved easily.

FDA agrees with the comment. On February 23, 1979, the Neurological Section of the Respiratory and Nervous Systems Devices Panel (formerly the Neurological Device Classification Panel) reviewed the comment and recommended that FDA classify dowel cutting instruments into class II because the hazards identified by the comment cannot be adequately controlled by general controls.

FDA agrees with the Panel and is changing the classification of dowel cutting instruments from class I to class II in the final rule. For the reasons stated in the general regulation on neurological devices, published elsewhere in this issue of the **Federal Register**, FDA does not believe that it is necessary to issue a new proposal concerning this decision. Persons who disagree with classifying dowel cutting instruments in class II may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860), the classification procedures regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4275, to read as follows:

§ 882.4275 Dowel cutting instrument.

(a) *Identification.* A dowel cutting instrument is a device used to cut dowels of bone for bone grafting.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26839 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1049]

Neurological Devices; Classification of Manual Cranial Drills, Burrs, Trephines, and Their Accessories

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying manual cranial drills burrs, trephines, and their accessories into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55681) a proposed regulation to classify manual drills, burrs, trephines, and their accessories into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment objected to classifying manual drills, burrs, trephines, and their accessories into class II and suggested that these devices be classified instead into class I (general controls) because the devices are hand operated and the manufacturer has no way of controlling whether they are properly used. The comment also stated that there are now in effect for these devices standards that were developed by the International Standards Organization (ISO), and more meaningful standards cannot be established without a great deal of expense.

The agency agrees with the comment that the manufacturers cannot always prevent the device from being misused. However, the agency does not agree with and will not adopt the comment's recommendation that the device be classified into class I. The Neurological Device Classification Panel recommended that manual drills, burrs, trephines, and their accessories be classifed into class II to require the devices to have guards that will prevent the device tips from plunging into the patient's brain. The agency agrees with the panel that a performance standard is necessary for this device. The agency is unaware of any existing standards for this device that require guards to prevent the tips of the device from plunging into the patient's brain. However, the agency believes that several organizations have formed committees to work on standards that may apply to this device. If a standard that applies to this device is developed in the future, the agency will consider adopting it rather than developing a separate FDA standard.

The agency has made minor changes to the name and identification of the device to make it clear that the rule applies to those devices that are used on a patient's skull. Separate proposed regulations will be issued later for other types of manual drills and accessories (e.g., dental). Accordingly, the proposed regulation is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by

adding new § 882.4300, to read as follows:

§ 882.4300 Manual cranial drills, burrs, trephines, and their accessories

(a) *Identification.* Manual cranial drills, burrs, trephines, and their accessories are bone cutting and drilling instruments that are used without a power source on a patient's skull.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26840 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1050]

Neurological Devices; Classification of Powered Compound Cranial Drills, Burrs, Trephines, and Their Accessories

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying powered compound cranial drills, burrs, trephines, and their accessories into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55682) a proposed regulation to classify powered compound drills, burrs, trephines, and their accessories into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. However, the agency has made minor changes to the name and identification of the device to make it clear that the rule applies to those devices that are used on a patient's skull. Separate proposed regulations will be issued later for other types of compound drills and accessories (e.g., dental). Accordingly, the proposed regulation is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4305, to read as follows:

§ 882.4305 Powered compound cranial drills, burrs, trephines, and their accessories.

(a) *Identification.* Powered compound cranial drills, burrs, trephines, and their accessories are bone cutting and drilling instruments used on a patient's skull. The instruments employ a clutch mechanism to disengage the tip of the instrument after penetrating the skull to prevent plunging of the tip into the brain.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26841 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1051]

Neurological Devices; Classification of Powered Simple Cranial Drills, Burrs, Trephines, and Their Accessories

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying powered simple cranial drills, burrs, trephines, and their accessories into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55682) a proposed regulation to classify powered simple drills, burrs, trephines, and their accessories into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. However, the agency has made minor changes to the name and identification of the device to make it clear that the rule applies to those devices that are used on a patient's skull. Separate proposed regulations will be issued later for other types of simple drills and accessories (e.g., dental). Accordingly, the proposed regulation is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4310, to read as follows:

§ 882.4310 Powered simple cranial drills, burrs, trephines, and their accessories.

(a) *Identification.* Powered simple cranial drills, burrs, trephines, and their accessories are bone cutting and drilling instruments used on a patient's skull. The instruments are used with a power source but do not have a clutch mechanism to disengage the tip after penetrating the skull.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26842 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1052]

Neurological Devices; Classification of Cranial Drill Handpieces (Braces)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cranial drill handpieces (braces) into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55683) a proposed regulation to classify drill handpieces (braces) into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. However, the agency has made minor changes to the name and identification of the device to make it clear that the rule applies to those devices that are used on a patient's skull. Separate proposed regulations will be issued later for other types of drill handpieces (e.g., dental). Accordingly, the proposed regulation is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4325, to read as follows:

§ 882.4325 Cranial drill handpiece (brace).

(a) *Identification.* A cranial drill handpiece (brace) is a hand holder, which is used without a power source, for drills, burrs, trephines, or other cutting tools that are used on a patient's skull.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26843 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1053]

Neurological Devices; Classification of Electric Cranial Drill Motors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electric cranial drill motors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectivess of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55684) a proposed regulation to classify electric drill motors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. However, the agency has made minor changes to the name and identification of the device to make it clear that the rule applies to those devices that are used on a patient's skull. Separate proposed regulations will be issued later for other types of drill motors (e.g., dental). Accordingly, the proposed regulation is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4360, to read as follows:

§ 882.4360 Electric cranial drill motor.

(a) *Identification.* An electric cranial drill motor is an electrically operated power source used with removable rotating surgical cutting tools or drill bits on a patient's skull.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26844 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1054]

Neurological Devices; Classification of Pneumatic Cranial Drill Motors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pneumatic cranial drill motors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the

safety and effectiveness of the device. This action is being taken under the Medical Device Admendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55685) a proposed regulation to classify pneumatic drill motors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. However, the agency has made minor changes to the name and identification of the device to make it clear that the rule applies to those devices that are used on a patient's skull. Separate proposed regulations will be issued later for other types of drill motors (e.g., dental). Accordingly, the proposed regulation is being adopted with these changes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) a*ERR20*nd under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4370, to read as follows:

§ 882.4370 Pneumatic cranial drill motor.

(a) *Identification.* A pneumatic cranial drill motor is a pneumatically operated power source used with removable rotating surgical cutting tools or drill bits on a patient's skull.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26845 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1055]

Neurological Devices; Classification of Radiofrequency Lesion Generators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying radiofrequency lesion generators into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55685) a proposed regulation to classify radiofrequency lesion generators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4400, to read as follows:

§ 882.4400 Radiofrequency lesion generator.

(a) *Identification.* A radiofrequency lesion generator is a device used to produce lesions in the nervous system or other tissue by the direct application of radiofrequency currents to selected sites.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26846 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1057]

Neurological Devices; Classification of Neurosurgical Headrests

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying neurosurgical headrests into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55686) a proposed regulation to classify neurosurgical headrests into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device.

Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4440, to read as follows:

§ 882.4440 Neurosurgical headrests.

(a) *Identification.* A neurosurgical headrest is a device used to support the patient's head during a surgical procedure.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26847 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1058]

Neurological Devices; Classification of Neurosurgical Head Holders (Skull Clamps)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying neurosurgical head holders (skull clamps) into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55687) a proposed regulation to classify neurosurgical head holders (skull clamps) into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4460, to read as follows:

§ 882.4460 Neurosurgical head holder (skull clamp).

(a) *Identification.* A neurosurgical head holder (skull clamp) is a device used to clamp the patient's skull to hold head and neck in a particular position during surgical procedures.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26848 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1059]

Neurological Devices; Classification of Cranioplasty Material Forming Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cranioplasty material forming instruments into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55687) a proposed regulation to classify cranioplasty material forming instruments into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4500, to read as follows:

§ 882.4500 Cranioplasty material forming instrument.

(a) *Identification.* A cranioplasty material forming instrument is a roller used in the preparation and forming of cranioplasty (skull repair) materials.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26849 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1061]

Neurological Devices; Classification of Microsurgical Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying microsurgical

instruments into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classsifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55688) a proposed regulation to classify microsurgical instruments into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4225, to read as follows:

§ 882.4525 Microsurgical instrument.

(a) *Identification.* A microsurgical instrument is a nonpowered surgical instrument used in neurological microsurgery procedures.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26850 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 882

[Docket No. 78N–1062]

Neurological Devices; Classification of Nonpowered Neurosurgical Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying nonpowered neurosurgical instruments into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55689) a proposed regulation to classify nonpowered neurosurgical instruments into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4535, to read as follows:

§ 882.4535 Nonpowered neurosurgical instrument.

(a) *Identification.* A nonpowered neurosurgical instrument is a hand instrument or an accessory to a hand instrument used during neurosurgical procedures to cut, hold, or manipulate tissue. It includes specialized chisels, osteotomes, curettes, dissectors, elevators, forceps, gouges, hoods, surgical knives, rasps, scissors, separators, spatulas, spoons, blades, blade holders, blade breakers, probes, etc.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26851 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 882

[Docket No. 78N–1063]

Neurological Devices; Classification of Shunt System Implantation Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying shunt system implantation instruments into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55689) a proposed regulation to classify shunt system implantation instruments into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4545, to read as follows:

§ 882.4545 Shunt system implantation instrument.

(a) *Identification.* A shunt system implantation instrument is an instrument used in the implantation of cerebrospinal fluid shunts, and includes tunneling instruments for passing shunt components under the skin.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26852 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1064]

Neurological Devices; Classification of Stereotaxic Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying stereotaxic instruments into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55690) a proposed regulation to classify stereotaxic instruments into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4560, to read as follows:

§ 882.4560 Stereotaxic instrument.

(a) *Identification.* A stereotaxic instrument is a device consisting of a rigid frame with a calibrated guide mechanism for precisely positioning probes or other devices within a patient's brain, spinal cord, or other part of the nervous system.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26853 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1065]

Neurological Devices; Classification of Leukotomes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying leukotomes into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55691) a proposed regulation to classify leukotomes into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4600, to read as follows:

§ 882.4600 Leukotome.

(a) *Identification.* A leukotome is a device used to cut sections out of the brain.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26854 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1066]

Neurological Devices; Classification of Neurosurgical Suture Needles

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying neurosurgical suture needles into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device, classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55691) a proposed regulation to classify neurosurgical suture needles into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4650, to read as follows:

§ 882.4650 Neurosurgical suture needle.

(a) *Identification.* A neurosurgical suture needle is a needle used in suturing during neurosurgical procedures or in the repair of nervous tissue.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26855 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 882

[Docket No. 78N–1067]

Neurological Devices; Classification of Cottonoid Paddies

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cottonoid paddies into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55692) a proposed regulation to classify cottonoid paddies into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4700, to read as follows:

§ 882.4700 Cottonoid paddie.

(a) *Identification.* A cottonoid paddie is a cotton pad used during surgery to protect nervous tissue, absorb fluids, or stop bleeding.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a) 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26856 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 882

[Docket No. 78N–1068]

Neurological Devices; Classification of Radiofrequency Lesion Probes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying radiofrequency lesion probes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safey and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55693) a proposed regulation to classify radiofrequency lesion probes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by

adding new § 882.4725, to read as follows:

§ 882.4725 Radiofrequency lesion probe.

(a) *Identification.* A radiofrequency lesion probe is a device connected to a radiofrequency (RF) lesion generator to deliver the RF energy to the site within the nervous system where a lesion is desired.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26857 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1069]

Neurological Devices; Classification of Skull Punches

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying skull punches into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55693) a proposed regulation to classify skull punches into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4750, to read as follows:

§ 882.4750 Skull punch.

(a) *Identification.* A skull punch is a device used to punch holes through a patient's skull to allow fixation of cranioplasty plates or bone flaps by wire or other means.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26856 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1070]

Neurological Devices; Classification of Self-Retaining Retractors for Neurosurgery

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying self-retaining retractors for neurosurgery into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55694) a proposed regulation to classify self-retaining retractors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment objected to classifying self-retaining retractors into class II and suggested that the devices be classified instead into class I (general controls) because the devices are hand operated and the manufacturer has no way of controlling whether they are properly used. The comment also stated that there are now in effect for these devices standards that were developed by the International Standards Organization (ISO) and more meaningful standards cannot be established without a great deal of expense.

Although the agency agrees with the comment that the manufacturer cannot always prevent self-retaining retractors from being misused, the agency does not agree with and will not adopt the comment's recommendation that the device be classified into class I. The Neurological Device Classification Panel recommended that self-retaining retractors used in neurosurgery be classified into class II to protect against injuring the patient by sudden movement caused by failure of the locking mechanism on the device. The Panel did not believe that general controls would provide adequate control of this potential hazard. The agency agrees with the Panel that a performance standard is necessary for this device. If a standard that applies to this device is now in existence or is developed in the future, the agency will consider adopting it rather than developing a separate FDA standard.

The agency has made minor changes to the name of the device to make it clear that the rule applies to those self-retaining retractors that are used in neurosurgery. Separate proposed regulations that apply to other uses of self-retaining retractors will be issued later. Accordingly, the proposed regulation is being adopted with this change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by

adding new § 882.4800, to read as follows:

§ 882.4800 Self-retaining retractor for neurosurgery.

(a) *Identification.* A self-retaining retractor for neurosurgery is a self-locking device used to hold the edges of a wound open during neurosurgery.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26859 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1071]

Neurological Devices; Classification of Manual Rongeurs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying manual rongeurs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55695) a proposed regulation to classify manual rongeurs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment objected to classifying manual rongeurs into class II and suggested that the device be classified instead into class I (general controls) because manual rongeurs are hand operated and the manufacturer has no way of controlling whether they are properly used. The comment also stated that there are now in effect for these devices standards that were developed by the International Standards Organization (ISO), and more meaningful standards cannot be established without a great deal of expense.

Although the agency agrees with the comment that manufacturers cannot always prevent the device from being misused, the agency does not agree with and will not adopt the comment's recommendation that the device be classified into class I. The Neurological Device Classification Panel recommended that manual rongeurs be classified into class II because of the need to control the device to avoid breakage of the rongeur jaws. The Panel believes that performance standards are necessary to assure that the thickness of the rongeur jaws and the material used in the construction of the device is sufficient to prevent the jaws from breaking. The Panel does not believe that general controls will provide adequate control of these characteristics of manual rongeurs. The agency agrees with the Panel that a performance standard is necessary for this device. If a standard that applies to this device is in existence or is developed in the future, however, the agency will consider adopting it rather than developing a separate FDA standard.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4840, to read as follows:

§ 882.4840 Manual rongeur.

(a) *Identification.* A manual rongeur is a manually operated instrument used for cutting or biting bone during surgery involving the skull or spinal column.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26860 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1072]

Neurological Devices; Classification of Powered Rongeurs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying powered rongeurs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55695) a proposed regulation to classify powered rongeurs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4845, to read as follows:

§ 882.4845 Powered rongeur.

(a) *Identification.* A powered rongeurs is a powered instrument used for cutting or biting bone during surgery involving the skull or spinal column.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26861 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1073]

Neurological Devices; Classification of Skullplate Screwdrivers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying skullplate screwdrivers into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55696) a proposed regulation to classify skullplate screwdrivers into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart E by adding new § 882.4900, to read as follows:

§ 882.4900 Skullplate screwdriver.

(a) *Identification.* A skullplate screwdriver is a tool used by the surgeon to fasten cranioplasty plates or skullplate to a patient's skull by screws.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26862 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1075]

Neurological Devices; Classification of Methyl Methacrylate for Aneurysmorrhaphy

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying methyl methacrylate for aneurysmorrhaphy into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55697) a proposed regulation to classify methyl methacrylate for aneurysmorrhaphy into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment objected to classifying methyl methacrylate for aneurysmorrhaphy into class II and recommended that instead it be classified in class III. The comment pointed out that methyl methacrylate bone cement for orthopedic application has been regulated as a prescription drug and is a class III transitional device under section 520(1) of the act (21 U.S.C. 360j(l)). The comment stated that because the formulation of methyl methacrylate for aneurysmorrhaphy is identical to that of methyl methacrylate bone cement, the two devices should be regulated in the same manner.

FDA rejects the comment. Methyl methacrylate bone cement for orthopedic applications is a transitional device under section 520(1) of the act because it was subject to an approved new drug application on file with FDA prior to passage of the Medical Device Amendments of 1976. FDA disagrees that other uses of methyl methacrylate must be classified in the same manner as methyl methacrylate bone cement. Methyl methacrylate for aneurysmorrhaphy has been marketed for many years and was not regulated as a prescription drug prior to passage of the Medical Device Amendments of 1976. FDA considers methyl methacrylate for aneurysmorrhaphy to be a pre-enactment device and is classifying it into class II under section 513 of the act (21 U.S.C. 360c).

Two comments objected to the proposal to classify methyl methacrylate for aneurysmorrhaphy into class II because there is not sufficient information to establish a performance standard. One comment referred to discussions held by the Neurological Device Classification Panel during its deliberations on this device and noted that there were differences of opinion among the Panel members about the safety and effectiveness of the device. Both comments stated that the device should be classified into class III because insufficient information exists to establish a performance standard.

FDA disagrees with the comments. On May 29, 1979, the Neurological Section of the Respiratory and Nervous System Devices Panel (formerly the Neurological Device Classification Panel) met to consider all comments received on the proposal to classify methyl methacrylate for

aneurysmorrhaphy into class II. At the meeting, representatives of Howmedica, Inc., and the Health Research Group appeared before the Panel to present their views that methyl methacrylate for aneurysmorrhaphy should be classified into class III rather than class II as proposed. Representatives of the L. D. Caulk Co. and a representative of the Joint Committee on Materials, Devices, and Drugs of the American Association of Neurological Surgeons appeared before the Panel to support FDA's proposal to classify methyl methacrylate for aneurysmorrhaphy in class II.

After considering the comments and the additional testimony presented to the Panel, the Panel concluded that there is sufficient information available to establish a performance standard for the device and recommended that the classification of the device be class II as proposed. FDA agrees with the Panel and is adopting the proposed regulation without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5030, to read as follows:

§ 882.5030 Methyl methacrylate for aneurysmorrhaphy.

(a) *Identification.* Methyl methacrylate for aneurysmorrhaphy (repair of aneurysms, which are balloonlike sacs formed on blood vessels) is a self-curing acrylic used to encase and reinforce intracranial aneurysms that are not amenable to conservative management, removal, or obliteration by aneurysm clip.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 79-26863 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1076]

Neurological Devices; Classification of Biofeedback Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying biofeedback devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55699) a proposed regulation to classify biofeedback devices into class II (performance stanadards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment questioned whether clinical psychologists would be able to use biofeedback devices if the devices were sold only to physicians or other licensed practitioners. In particular, the comment was concerned that psychologists not be excluded from the definition of a "licensed practitioner."

Clinical psychologists are included in the definition of "licensed practitioner" because they are now licensed in all States and the District of Columbia. Unless specifically excluded by provisions of their State licenses, clinical psychologists may, therefore, purchase and use biofeedback devices.

No comments disagreed with the proposal to classify biofeedback devices in class II. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 by adding new Subpart F and § 882.5050, to read as follows:

Subpart F—Neurological Therapeutic Devices

§ 882.5050 Biofeedback device.

(a) *Identification.* A biofeedback device is an instrument that provides a visual or auditory signal corresponding to the status of one or more of a patient's physiological parameters (e.g., brain alpha wave activity, muscle activity, skin temperature, etc.) so that the patient can control voluntarily these physiological parameters.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26864 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1077]

Neurological Devices; Classification of Bite Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying bite blocks into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55700) a proposed regulation to classify bite blocks into class II (performance

standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5070, to read as follows:

§ 882.5070 Bite block.

(a) *Identification.* A bite block is a device inserted into a patient's mouth to protect the tongue and teeth while the patient is having convulsions.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26865 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1078]

Neurological Devices; Classification of Intravascular Occluding Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying intravascular occluding catheters into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55700) a proposed regulation to classify intravascular occluding catheters into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5150, to read as follows:

§ 882.5150 Intravascular occluding catheter.

(a) *Identification.* An intravascular occluding catheter is a catheter with an inflatable or detachable balloon tip that is used to block a blood vessel to treat malformations, e.g., aneurysms (balloonlike sacs formed on blood vessels) of intracranial blood vessels.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26866 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1079]

Neurological Devices; Classification of Carotid Artery Clamps

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying carotid artery clamps into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55701) a proposed regulation to classify carotid artery clamps into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5175, to read as follows:

§ 882.5175 Carotid artery clamp.

(a) *Identification.* A carotid artery clamp is a device that is surgically placed around a patient's carotid artery (the principal artery in the neck that supplies blood to the brain) and has a removable adjusting mechanism that protrudes through the skin of the patient's neck. The clamp is used to occlude the patient's carotid artery to treat intracranial aneurysms (balloonlike sacs formed on blood vessels) or other intracranial vascular malformations that are difficult to attach directly by reducing the blood pressure and blood flow to the aneurysm or malformation.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26867 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1080]

Neurological Devices; Classification of Aneurysm Clips

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying aneurysm clips into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55703) a proposed regulation to classify aneurysm clips into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment from a manufacturer suggested that aneurysm clips be classified in class III (premarket approval) instead of class II (performance standards) as proposed. The comment stated that aneurysm clips are critical, life-sustaining devices and that simple performance standards are not sufficient for these types of instruments.

The agency disagrees with this comment. The comment supplied no additional data or documentation that was not considered by the agency before publishing the proposal to classify aneurysm clips into class II. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5200, to read as follows:

§ 882.5200 Aneurysm clip.

(a) *Identification.* An aneurysm clip is a device used to occlude an intracranial aneurysm (a balloonlike sac formed on a blood vessel) to prevent it from bleeding or bursting.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26868 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1081]

Neurological Devices; Classification of Implanted Malleable Clips

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted malleable clips into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55704) a proposed regulation to classify implanted malleable clips into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment agreed with the proposal to classify implanted malleable clips in class II. The comment also agreed with the recommendation of the Neurological Device Classification Panel that sterling silver not be used in implanted malleable clips. The comment suggested that a performance standard should exclude the use of sterling silver as a material for implanted malleable clips.

The agency agrees that a performance standard should exclude the use of sterling silver as a material for implanted malleable clips. At a future date, the agency will initiate proceedings to adopt performance standards for this device, as well as for other devices that are classified in class II.

A comment from a manufacturer suggested that implanted malleable clips be classified in class III (premarket approval) instead of class II (performance standards) as proposed. The comment stated that these clips are critical, life-sustaining devices and simple performance standards are not sufficient for these types of devices.

The agency disagrees with the comment to classify implanted malleable clips in class III. The comment supplied no additional data or documentation that was not considered by the agency before publishing the proposal to classify the device in class II.

The agency has made minor changes to the identification of the device to make it clear that the rule applies to those implanted malleable clips intended primarily for intracranial use. Accordingly, the proposed regulation is being adopted with this change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by

adding new § 882.5225, to read as follows:

§ 882.5225 Implanted malleable clip.

(a) *Identification.* An implanted malleable clip is a bent wire or staple that is forcibly closed with a special instrument to occlude an intracranial blood vessel or aneurysm (a balloonlike sac formed on a blood vessel), stop bleeding, or hold tissue or a mechanical device in place in a patient.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26869 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1082]

Neurological Devices; Classification of Aversive Conditioning Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying aversive conditioning devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55705) a proposed regulation to classify aversive conditioning devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5235, to read as follows:

§ 882.5235 Aversive conditioning device.

(a) *Identification.* An aversive conditioning device is an instrument used to administer an electrical shock or other noxious stimulus to a patient to modify undesirable behavioral characteristics.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26870 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1083]

Neurological Devices; Classification of Burr Hole Covers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying burr hole covers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55706) a proposed regulation to classify burr hole covers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5250, to read as follows:

§ 882.5250 Burr hole cover.

(a) *Identification.* A burr hole cover is a plastic or metal device used to cover or plug holes drilled into the skull during surgery and to reattach cranial bone removed during surgery.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26871 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1084]

Neurological Devices; Classification of Nerve Cuffs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying nerve cuffs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken

under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55707) a proposed regulation to classify nerve cuffs into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

Three comments were received. The comments disagreed with classifying nerve cuffs in class III. Two of the comments were from physicians, who described their successful experiences with the device in repairing nerves and in capping the ends of nerves to prevent and treat painful neuromas (tumors). Both physicians stated that the nerve cuff is useful in protecting severed nerves in patients who have wounds with massive scarring, e.g., wounds due to gunshot wounds, and in treating and preventing the occurrence of neuromas on nerves in extremities that have been amputated. One of the physicians cited a recent study (Swanson, et al., *The Journal of Hand Surgery*, 2:70–78, 1977) of the effectiveness of nerve capping in the treatment and prevention of amputation neuromas. The study reported on the results of capping 38 nerves in the upper extremities of 18 patients and 9 nerves in the lower extremities of 8 patients. One patient required a second operation to recap a nerve for successful relief of pain, and two patients were considered failures.

A comment from Dow Corning Corporation (DOW), a manufacturer of the nerve cuff, included an extensive bibliography of references relative to the use of the nerve cuff in humans and in animals, including the study by Swanson mentioned above. The comment argued that the proposal to classify nerve cuffs in class III relied too heavily on one journal article (Szal and Miller, *Archives of Otolaryngology*, 101:160–165, 1975) that showed negative results when nerve cuffs were used to protect nerve repair sites in rabbits. The comment noted that many other investigators have consistently reported that nerve cuffs are effective and that the Szal study was not relevant to the clinical use of the nerve cuff because the wrong size nerve cuffs were used on the facial nerves of rabbits.

On February 23, 1979, the Neurological Section of the Respiratory and Nervous System Devices Panel (formerly the Neurological Device Classification Panel) met to review the comments received on the proposal to classify nerve cuffs in class III. At the meeting, representatives of Dow presented a brief history of the device and described the manner in which it is currently being used. They stated that the nerve cuff has been used extensively to treat war injuries, but that it was only being marketed on a small scale today. They noted that neuromas were prevented in all but about 5 percent of the cases reported by Swanson in his study. The firm also noted that neuromas normally occur in 30 percent of such cases. The Dow representative asked the Panel to recommend that the device be classified in class II because of its long history of use without adverse reports.

During the Panel discussion, one of the Panel members pointed out that the literature from the 1960's pertaining to the nerve cuff was enthusiastic, but that the use of the device has largely been displaced by improvements in surgical technique. The member also pointed out that the effectiveness of nerve cuffs in nerve repair was not always good and that the results were sometimes disappointing. Although several Panel members disagreed with classifying nerve cuffs in class II because the device is of questionable effectiveness when used as a sheath in repairing nerves, the majority of the Panel members voted to recommend that the classification of nerve cuffs be changed to class II. Those Panel members favoring class II noted that the data showed that the device is effective in capping the ends of nerves to prevent neuromas and that the device could be beneficial in the absence of microsurgical techniques.

FDA has carefully considered the Panel's recommendation and the additional information and data submitted on this device. FDA agrees with the Panel and is changing the classification of nerve cuffs in the final rule to class II rather than class III as proposed. The agency realizes that the nerve cuff may not be as effective in repairing nerves as newer techniques involving microsurgery. However, the data appear to demonstrate the effectiveness of the device as a nerve cap in preventing neuromas and its usefulness as a sheath to protect the nerve during nerve repair when the recommended size nerve cuff is used. Accordingly, the final regulation is being changed to classify the device in class II. For the reasons stated in the general regulation on neurological devices, published elsewhere in this issue of the **Federal Register**, FDA does not believe that it is necessary to issue a new proposal concerning this decision. Persons who disagree with classifying nerve cuffs in class II may petition for reclassification of the device under Subpart C of Part 860, the classification procedures regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5275, to read as follows:

§ 882.5275 Nerve cuff.

(a) *Identification.* A nerve cuff is a tubular silicone rubber sheath used to encase a nerve for aid in repairing the nerve (e.g., to prevent ingrowth of scar tissue) and for capping the end of the nerve to prevent the formation of neuroma (tumors).

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26872 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1085]

Neurological Devices; Classification of Methyl Methacrylate for Cranioplasty

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying methyl methacrylate for cranioplasty into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55708) a proposed regulation to classify methyl methacrylate for cranioplasty into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

A comment objected to classifying methyl methacrylate for cranioplasty into class II and recommended that instead it be classified into class III. The comment pointed out that methyl methacrylate bone cement for orthopedic applications has been regulated as a prescription drug and is a class III transitional device under section 520(1) of the act (21 U.S.C. 360j(l)). The comment stated that because the formulation of methyl methacrylate for cranioplasty is identical to that of methyl methacrylate bone cement, the two devices should be regulated in the same manner.

FDA rejects the comment. Methyl methacrylate bone cement for orthopedic applications is a transitional device under section 520(1) of the act because it was subject to an approved new drug application on file with FDA prior to passage of the Medical Device Amendments of 1976. FDA disagrees that other uses of methyl methacrylate must be classified in the same manner as methyl methacrylate bone cement. Methyl methacrylate for cranioplasty has been marketed for many years and was not regulated as a prescription drug prior to passage of the Medical Device Amendments of 1976. FDA considers methyl methacrylate for cranioplasty to be a pre-enactment device and is classifying it into class II under section 513 of the act (21 U.S.C. 360c).

A comment objected to the proposal to classify methyl methacrylate for cranioplasty into class II because there is not sufficient information to establish a performance standard and recommended that it be classified instead into class III.

FDA disagrees with the comment. On May 29, 1979, the Neurological Section of the Respiratory and Nervous Systems Devices Panel (formerly the Neurological Device Classification Panel) met to consider all comments received on the proposal to classify methyl methacrylate for cranioplasty into class II. At the meeting, representatives of Howmedica, Inc., appeared before the Panel to present their views that methyl methacrylate for cranioplasty should be classified into class III rather than class II as proposed. Representatives of the L. D. Caulk Co. and a representative of the Joint Committee on Materials, Devices, and Drugs of the American Association of Neurological Surgeons appeared before the Panel to support FDA's proposal to classify methyl methacrylate for cranioplasty into class II.

After considering the comments and the additional testimony presented to the Panel, the Panel concluded that there is sufficient information available to establish a performance standard for the device and recommended that the classification of the device be class II as proposed. FDA agrees with the Panel and is adopting the proposed regulation without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5300, to read as follows:

§ 882.5300 Methyl methacrylate for cranioplasty.

(a) *Identification.* Methyl methacrylate for cranioplasty (skull repair) is a self-curing acrylic that a surgeon uses to repair a skull defect in a patient. At the time of surgery, the surgeon initiates polymerization of the material and forms it into a plate or other appropriate shape to repair the defect.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 79-26873 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1086]

Neurological Devices; Classification of Preformed Alterable Cranioplasty Plates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying preformed alterable cranioplasty plates into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55709) a proposed regulation to classify preformed alterable cranioplasty plates into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5320, to read as follows:

§ 882.5320 Preformed alterable cranioplasty plate.

(a) *Identification.* A preformed alterable cranioplasty plate is a device that is implanted into a patient to repair a skull defect. It is constructed of a

material, e.g., tantalum, that can be altered or reshaped at the time of surgery without changing the chemical behavior of the material.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26874 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1087]

Neurological Devices; Classification of Preformed Nonalterable Cranioplasty Plates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying preformed nonalterable cranioplasty plates into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55711) a proposed regulation to classify preformed nonalterable cranioplasty plates into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5330, to read as follows:

§ 882.5330 Preformed nonalterable cranioplasty plate.

(a) *Identification.* A preformed nonalterable cranioplasty plate is a device that is implanted in a patient to repair a skull defect and is constructed of a material, e.g., stainless steel or vitallium, that cannot be altered or reshaped at the time of surgery without changing the chemical behavior of the material.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26875 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1088]

Neurological Devices; Classification of Cranioplasty Plate Fasteners

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cranioplasty plate fasteners into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55712) a proposed regulation to classify cranioplasty plate fasteners into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5360, to read as follows:

§ 882.5360 Cranioplasty plate fastener.

(a) *Identification.* A cranioplasty plate fastener is a screw, wire, or other article made of tantalum, vitallium, or stainless steel used to secure a plate to the patient's skull to repair a skull defect.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26876 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1089]

Neurological Devices; Classification of Lesion Temperature Monitors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying lesion temperature monitors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55713) a proposed regulation to classify lesion temperature monitors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5500, to read as follows:

§ 882.5500 Lesion temperature monitor.

(a) *Identification.* A lesion temperature monitor is a device used to monitor the tissue temperature at the site where a lesion (tissue destruction) is to be made when a surgeon uses a radiofrequency (RF) lesion generator and probe.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-28877 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1090]

Neurological Devices; Classification of Central Nervous System Fluid Shunts and Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying central nervous system fluid shunts and components into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55714) a proposed regulation to classify central nervous system fluid shunts and components into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment objected to classifying central nervous system fluid shunts and components into class II (performance standards) and suggested that the device be classified into class III instead because not enough information exists to establish a performance standard.

The comment did not submit any additional data or information that was not considered by the agency before publishing the proposal to classify central nervous system fluid shunts and components into class II. Therefore, the agency rejects this comment.

A comment agreed with the proposal to classify implanted or partially implanted central nervous system fluid shunts and components into class II, but suggested that all components that are external to the patient (e.g., cerebrospinal fluid (CSF) collection bags) be classified into class I. The comment stated that medical costs could be reduced if bags designed for other purposes could be used for external CSF collection.

The agency has carefully considered this comment and has decided to classify all central nervous system fluid shunts and components in class II as proposed. The agency does not believe that classification of the device into class II will prevent the user from using other types of bags that were not specifically designed for CSF collection. The agency believes, however, that components specifically promoted for this purpose should be appropriate for the application and compatible with the other components used for central nervous system fluid shunting. The agency does not anticipate that a detailed performance standard for every component will be necessary. However, it does believe that a standard for central nervous system fluid shunt and components should address the compatibility of each component to the functioning of the overall system. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5550, to read as follows:

§ 882.5550 Central nervous system fluid shunts and components.

(a) *Identification.* A central nervous system fluid shunt is a device or combination of devices used to divert fluid from the brain or other part of the central nervous system to an internal delivery site or an external receptacle for the purpose of relieving elevated intracranial pressure or fluid volume (e.g., due to hydrocephalus). Components of a central nervous system shunt include catheters, valved catheters, valves, connectors, and other accessory components intended to facilitate use of the shunt or evaluation of a patient with a shunt.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26878 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1091]

Neurological Devices; Classification of Cranial Electrotheraphy Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cranial electrotheraphy stimulators into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55716) a proposed regulation to classify cranial electrotheraphy stimulators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5800, to read as follows:

§ 882.5800 Cranial electrotheraphy stimulator.

(a) *Identification.* A cranial electrotheraphy stimulator is a device that applies electrical current to a patient's head to treat insomnia, depression, or anxiety.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26879 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1092]

Neurological Devices; Classification of External Functional Neuromuscular Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying external functional neuromuscular stimulators into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55717) a proposed regulation to classify external functional neuromuscular stimulators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5810, to read as follows:

§ 882.5810 External functional neuromuscular stimulator.

(a) *Identification.* An external functional neuromuscular stimulator is an electrical stimulator that uses external electrodes for stimulating muscles in the leg and ankle of partially paralyzed patients (e.g., after stroke) to provide flexion of the foot and thus improve the patient's gait.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26880 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1093

Neurological Devices; Classification of Implanted Cerebellar Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted cerebellar stimulators into class III (Premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket

approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55718) a proposed regulation to classify implanted cerebellar stimulators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment disagreed with the proposal to classify implanted cerebellar stimulators in class III. The comment recommended that cerebellar stimulators for use in the treatment of spasticity be classified instead in class II because personal experience with over 100 patients had proven the safety and effectiveness of the device.

The Neurological Device Classification Panel received extensive testimony and data on cerebellar stimulation and concluded that insufficient information exists to establish a performance standard that would assure the safety and effectiveness of the device. The Panel, therefore, recommended that the device undergo premarket approval to assure that it is safe and effective. The comment received on the proposal to classify implanted cerebellar stimulators in class III did not provide additional data to show that a performance standard can be established that would assure the safety and effectiveness of implanted cerebellar stimulators. Therefore, the agency rejects the comment and is adopting the proposed regulation without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5820, to read as follows:

§ 882.5820 Implanted cerebellar stimulator.

(a) *Identification.* An implanted cerebellar stimulator is a device used to stimulate electrically a patient's cerebellar cortex for the treatment of intractable epilepsy, spasticity, and some movement disorders. The stimulator consists of an implanted receiver with electrodes that are placed on the patient's cerebellum and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26881 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1094]

Neurological Devices; Classification of Implanted Diaphragmatic/Phrenic Nerve Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted diaphragmatic/phrenic nerve stimulators into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55719) a proposed regulation to classify implanted diaphragmatic/phrenic nerve stimulators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

The following is a summary of the comments received and the agency's responses to them:

1. One comment stated that this device should now be classified into class III so that manufacturers and users who are unfamiliar with the device will realize the need for caution in its construction and its application. The comment stated, however, that the device, as currently constructed, is reasonably safe and effective and that the principal risk to the patient is not from device failure but from the failure of the user to appreciate the indications for diaphragm pacing and from failure to apply the device properly.

FDA agrees with this comment.

2. A comment pointed out that the Neurological Device Classification Panel gave as a reason for classifying this device in class III the fact that available data on the device were from only one company. The comment stated that whether the device is available from one or more sources has no bearing on its safety and efficacy and enclosed a select bibliography of 59 references on diaphragm stimulation.

FDA agrees that the availability of a device from only one company does not mean that the device is not safe or effective. The Neurological Device Classification Panel did not recommend that this device be classified into class III solely because it is available from only one company. However, the Panel did cite this fact as one reason for believing that insufficient information is available to establish a performance standard for the device that will assure its safety and effectiveness. Because this device is a life-sustaining implant, the Federal Food, Drug, and Cosmetic Act requires that FDA classify it into class III if insufficient information is available to establish a performance standard that will assure the safety and effectiveness of the device. In this case, the agency concurs with the Panel that insufficient information exists to establish such a performance standard.

3. A comment was received regarding the risks to health identified by the Panel. The comment stated that device failure can be minimized, although not totally prevented, by using high quality components and production techniques and that the consequences of a catastrophic device failure can be ameliorated by using patient monitoring and device redundancy. The comment

also stated that the materials that are used to construct the device have been used in several thousand other patients and have been shown to be tissue compatible. The comment also noted that injury to the phrenic nerve in patients in whom the device has been implanted has been associated with the surgical technique rather than with the electrical stimulation of the device and that patients have used the device for up to 9 years without evidence of injury to the phrenic nerve.

FDA recognizes that the risks to health identified by the Panel will not occur in every patient. However, those risks to health are hazards that the patient is exposed to when the device is implanted and used. Obviously, in most patients, the benefits to be gained from using the device far outweigh the risks to which the patient is exposed. However, the risks to health do exist and should be regulated in the most effective possible way.

Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5830, to read as follows:

§ 882.5830 Implanted diaphragmatic/phrenic nerve stimulator.

(a) *Identification.* An implanted diaphragmatic/phrenic nerve stimulator is a device that provides electrical stimulation of a patient's phrenic nerve to contract the diaphragm rhythmically and produce breathing in patients who have hyperventilation (a state in which an abnormally low amount of air enters the lungs) caused by brain stem disease, high cervical spinal cord injury, or chronic lung disease. The stimulator consists of an implanted receiver with electrodes that are placed around the patient's phrenic nerve and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26882 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1095]

Neurological Devices; Classification of Implanted Intracerebral/Subcortical Stimulators for Pain Relief

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted intracerebral/subcortical stimulators for pain relief into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55720) a proposed regulation to classify implanted intracerebral/subcortical stimulators for pain relief into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

The following is a summary of the comments and the agency's responses to them:

1. Several comments asked that the implanted intracerebral/subcortical stimulator for pain relief not be classified into class III because this would make it more difficult for patients to get the device and for neurosurgeons to use it. Several comments also said that the device should not be classified into class III because brain stimulation for pain relief is no longer an experimental procedure and should be standard treatment.

The agency disagrees with the comments. Classifying a device into class III does not necessarily mean that the device will be more difficult to obtain and does not imply that it is an experimental device. Each manufacturer of a device classified into class III will have at least 30 months after the effective date of the final regulation classifying the device into class III to submit to FDA an application for approval of the device. Manufacturers may continue marketing the device during the 30-month period. If a manufacturer's application is approved, the manufacturer can continue marketing the device indefinitely. FDA believes that 30 months is sufficient time for manufacturers to document the safety and effectiveness of their devices and to submit an application for approval. If at the end of 30 months a manufacturer does not have sufficient safety and effective data to support an application for approval, FDA may authorize continued distribution of the device for investigational purposes, as provided in section 520(g) of the act (21 U.S.C. 360j(e)).

2. Several comments stated that the device should be classified into class II because there is sufficient clinical experience with the device to demonstrate that it is safe and effective. However, one comment agreed with classifying the device into class III and stated that long-term effectiveness of the device has not been proven.

The agency does not agree that the device should be classified into class II. Although there have been several reports of successful clinical application of the device, FDA does not believe that there is sufficient information to develop a performance standard that will assure that marketed devices are safe and effective. The available data contain little information that can be used in developing a performance standard. FDA believes that the only way to assure that implanted intracerebral/subcortical stimulators for pain relief are safe and effective is to classify the device into class III so that each manufacturer will be required to document the safety and effectiveness of the device that the manufacturer markets.

3. Several comments stated that the risks of using the device are minimal

and that the complication rate has been low. One comment stated that the platinum electrodes that are used cause almost no tissue reaction. Two comments stated that the risks of injuring brain tissue while inserting the device electrodes into the brain are no greater than the risks involved in using some other widely accepted neurosurgical procedures. Another comment stated that the devices use safe levels of electrical current. The comments suggested that, for these reasons, the device should be classified into class II instead of class III.

The agency does not agree that the risks to health from this device are minimal and that the device should be classified into class II. FDA realizes that the risks associated with this device may be presented by other accepted neurosurgical procedures and may not result in patient injury in every case. Patients are, however, exposed to potentially serious risks when the device is used. Obviously, the benefits to the patient must be balanced against these risks before the device is used. If a particular device is unreliable or ineffective, patients may be exposed to risks needlessly. FDA believes that the implanted intracerebral/subcortical stimulator for pain relief must be classified into class III to require manufacturers of the device to demonstrate that their device is reasonably safe and effective for this use. Accordingly, the proposed rule is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5840, to read as follows:

§ 882.5840 Implanted intracerebral/subcortical stimulator for pain relief.

(a) *Identification.* An implanted intracerebral/subcortical stimulator for pain relief is a device that applies electrical current to subsurface areas of a patient's brain to treat severe intractable pain. The stimulator consists of an implanted receiver with electrodes that are placed within a patient's brain and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26883 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1096]

Neurological Devices; Classification of Implanted Spinal Cord Stimulators for Bladder Evacuation

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted spinal cord stimulators for bladder evacuation into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55721) a proposed regulation to classify implanted spinal cord stimulators for bladder evacuation into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5850, to read as follows:

§ 882.5850 Implanted spinal cord stimulator for bladder evacuation.

(a) *Identification.* An implanted spinal cord stimulator for bladder evacuation is an electrical stimulator used to empty the bladder of a paraplegic patient who has a complete transection of the spinal cord and who is unable to empty his or her bladder by reflex means or by the intermittent use of catheters. The stimulator consists of an implanted receiver with electrodes that are placed on the conus medullaris portion of the patient's spinal cord and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26884 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1097]

Neurological Devices; Classification of Implanted Neuromuscular Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted neuromuscular stimulators into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55722) a proposed regulation to classify implanted neuromuscular stimulators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5860, to read as follows:

§ 882.5860 Implanted neuromuscular stimulator.

(a) *Identification.* An implanted neuromuscular stimulator is a device that provides electrical stimulation to a patient's peroneal or femoral nerve to cause muscles in the leg to contract, thus improving the gait in a patient with a paralyzed leg. The stimulator consists of an implanted receiver with electrodes that are places around a patient's nerve and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver. The external transmitter is activated by a switch in the heel in the patient's shoe.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26885 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1098]

Neurological Devices; Classification of Implanted Peripheral Nerve Stimulators for Pain Relief

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted peripheral nerve stimulators for pain relief into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55724) a proposed regulation to classify implanted peripheral nerve stimulators for pain relief into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

Several comments agreed with classifying implanted peripheral nerve stimulators for pain relief in class II. One comment recommended that the device be classified into class III (premarket approval), but no new information was submitted to support the recommendation.

Accordingly, the agency rejects the comment and is adopting the proposed regulation without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5870, to read as follows:

§ 882.5870 Implanted peripheral nerve stimulator for pain relief.

(a) *Identification.* An implanted peripheral nerve stimulator for pain relief is a device that is used to stimulate electrically a peripheral nerve in a patient to relieve severe intractable pain. The stimulator consists of an inplanted receiver with electrodes that are placed around a peripheral nerve and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 79–26886 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1099]

Neurological Devices; Classification of Implanted Spinal Cord Stimulators for Pain Relief

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implanted spinal cord stimulators for pain relief into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of

November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55725) a proposed regulation to classify implanted spinal cord stimulators for pain relief into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

Several comments were received regarding the use of this device for treating conditions other than pain, such as multiple sclerosis or other motor disorders. One comment suggested that the device category be broadened to include indications other than pain relief, or that a separate category for implanted spinal cord stimulators for motor disorders be created.

The agency disagrees that this device category should include devices that are indicated for uses other than pain relief. The proposed neurological device classification regulations that FDA published will apply to those neurological devices that were on the market prior to May 28, 1976, the enactment date of the Medical Device Amendments of 1976. New devices introduced for marketing after May 28, 1976, or devices that have been substantially altered (e.g., by providing new indications in the labeling), are by law automatically classified into class III and must undergo premarket approval prior to marketing. The agency believes that implanted spinal cord stimulators for motor disorders were distributed by manufacturers before May 28, 1976 only for investigational purposes and were not being "marketed." Because the implanted spinal cord stimulator for motor disorder indications is not a "pre-enactment" device and will be automatically classified into class III, the Panel did not recommend, and FDA did not propose, a separate classification category for this use. Manufacturers who now desire to distribute, for other than investigational purposes, an implanted spinal cord stimulator that includes labeling with indications for motor disorders must submit to FDA a premarket approval application or petition the agency to reclassify the device for this new indication.

Several comments agreed with the agency's proposal to classify implanted spinal cord stimulators for pain relief into class II.

Two comments disagreed with classifying the device into class II. One comment suggested that the device be classified into class I (general controls), but offered no reason for the recommendation other than stating that the collective experience of many surgeons justified classification of the device into class I. The other comment suggested that the device be classified into class III rather than class II because there is not sufficient information to develop a performance standard. The comment did not supply any additional information or explain the basis for the suggestion. Therefore, the agency disagrees with both comments and is adopting the proposed regulation without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5880, to read as follows:

§ 882.5880 Implanted spinal cord stimulator for pain relief.

(a) *Identification.* An implanted spinal cord stimulator for pain relief is a device that is used to stimulate electrically a patient's spinal cord to relieve severe intractable pain. The stimulator consists of an implanted receiver with electrodes that are placed on the patient's spinal cord and an external transmitter for transmitting the stimulating pulses across the patient's skin to the implanted receiver.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William R. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26887 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1100]

Neurological Devices; Classification of Transcutaneous Electrical Nerve Stimulators for Pain Relief

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying transcutaneous electrical nerve stimulators for pain relief into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55726) a proposed regulation to classify transcutaneous electrical nerve stimulators for pain relief into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5890, to read as follows:

§ 882.5890 Transcutaneous electrical nerve stimulator for pain relief.

(a) *Identification.* A transcutaneous electrical nerve stimulator for pain relief is a device used to apply an electrical current to electrodes on a patient's skin to treat pain.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 79-26888 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1101]

Neurological Devices; Classification of Preformed Craniosynostosis Strips

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying preformed craniosynostosis strips into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55727) a proposed regulation to classify preformed craniosynostosis strips into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5900, to read as follows:

§ 882.5900 Preformed craniosynostosis strip.

(a) *Identification.* A preformed craniosynostosis strip is a plastic strip used to cover bone edges of craniectomy sites (sites where the skull has been cut) to prevent the bone from regrowing in patients whose skull sutures are abnormally fused together.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 79-26889 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1102]

Neurological Devices; Classification of Dura Substitutes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying dura substitutes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the Federal Register (43 FR 55728) a proposed regulation to classify dura substitutes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5910, to read as follows:

§ 882.5910 Dura substitute.

(a) *Identification.* A dura substitute is a sheet or material that is used to repair the dura mater (the membrane surrounding the brain).

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26890 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 882

[Docket No. 78N-1103]

Neurological Devices; Classification of Electroconvulsive Therapy Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electroconvulsive therapy devices into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK-430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification

procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55729) a proposed regulation to classify electroconvulsive therapy devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

Several comments were received from patients who had been treated with electroconvulsive therapy (ECT). The comments complained of loss of memory after receiving the ECT treatments and asked for strict controls over the application of ECT. Several other comments disagreed with the proposal to classify ECT devices in class II and recommended that they be classified in class III. One of the comments stated that there is insufficient information available to develop a performance standard for ECT devices in the following areas: (1) The proper wave form to be used; (2) The amount of energy to be applied; (3) The size and shape of the electrodes; (4) The characteristics of the skin/electrode interface. Another comment stated that ECT is, by its nature, brain damaging and, because there is no consensus regarding the effectiveness of the therapy, disagreed that the FDA can "assure effectiveness" of ECT. Another comment agreed with the proposal to classify ECT devices in class II and pointed out that the American Psychiatric Association (APA) has initiated efforts to develop a performance standard for ECT devices.

On May 29, 1979, the Neurological Section of the Respiratory and Nervous System Devices Panel (formerly the Neurological Device Classification Panel) met to consider the comments that were received on the proposal to classify electroconvulsive therapy devices in class II. At the meeting, a representative of the Health Research Group asked that ECT devices be classified in class III because insufficient information is available to develop a performance standard. A representative of the Citizen's Commission on Human Rights of the Association of Scientologists for Reform, claimed that ECT is neither safe nor effective for any use and called for its abolition. A patient described her personal experience with ECT and stated that she had severe memory loss because of the treatment. Richard Weiner, M.D., Ph. D., described the goals and purposes of a committee formed by the American Psychiatric Association (APA) at the request of FDA to develop standards for electroconvulsive therapy devices. Dr. Weiner stated that the committee is reviewing the literature to gather information on which to base a performance standard, and that he expected to have sufficient information to begin writing the standard in about six months.

The Panel's discussion centered around the question of whether there is now sufficient information to develop an adequate performance standard for electroconvulsive therapy devices. There was disagreement over what constitutes sufficient information; and several panel members expressed doubt that enough information does, in fact, exist and noted that such information was not available to them. The Panel therefore voted to recommend that ECT devices be classified in class III rather than class II as proposed, because there is not now enough information available on which to establish a performance standard for ECT devices.

FDA has carefully considered the classification of electroconvulsive therapy devices and has decided to classify the devices in class III rather than class II as proposed. FDA is aware of and encourages the work of the APA committee in developing a performance standard. The agency is persuaded, however, based on the comments received on the proposal and on the recommendation of the Panel, that there is insufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the ECT device. This conclusion, which differs from the preliminary judgment contained in the proposed regulation, was prompted by FDA's belief that the characteristics of ECT devices that should be addressed in a standard have not been identified precisely enough for the agency to determine whether adequate information is available to write a standard. Accordingly, the agency believes that ECT devices should be classified in class III until the APA committee has completed its review of ECT, has identified the characteristics of ECT devices that should be controlled by a performance standard, and has found that sufficient information exists to establish an adequate standard. FDA encourages the committee to submit its conclusions, a proposed standard, and the information on which the standard is based to FDA, along with a petition to reclassify ECT devices into class II.

Accordingly, the final regulation for electroconvulsive therapy devices is being changed to classify the device in class III instead of class II as proposed. For the reasons stated in the general regulation on neurological devices, published elsewhere in this issue of the **Federal Register**, FDA does not believe that it is necessary to issue a new proposal concerning this decision. Persons who disagree with classifying electroconvulsive therapy devices in class III may petition for reclassification of the device under Subpart C of Part 860, the classification procedures regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5940, to read as follows:

§ 882.5940 Electroconvulsive therapy device.

(a) *Identification.* An electroconvulsive therapy device is a device used for treating severe psychiatric disturbances (e.g., severe depression) by inducing in the patient a major motor seizure by applying a brief intense electrical current to the patient's head.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26891 Filed 8-31-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 882

[Docket No. 78N-1104]

Neurological Devices; Classification of Artificial Embolization Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying artificial embolization devices into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before May 28, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken

under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55730) a proposed regulation to classify artificial embolization devices into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment recommended that artificial embolization devices be classified in class II rather than III because the devices have been used for 15 years and the safety of their use has been established. The comment noted that the safety of artificial embolization devices depends more on the experience of the user than on the device itself. The comment also pointed out that although the use of the device is associated with major risks of neurological damage, the disease process being treated is also associated with high morbidity and mortality.

The agency agrees that the safety of artificial embolization devices depends on the skill of the user as well as on the device itself. However, the comment did not supply additional information that was not considered by the Neurological Device Classification Panel and FDA in developing the proposed classification regulation. Therefore, the agency disagrees that artificial embolization devices should be classified in class II. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5950, to read as follows:

§ 882.5950 Artificial embolization device.

(a) *Identification.* An artificial embolization device is an object that is placed in a blood vessel to permanently obstruct blood flow to an aneurysm or other vascular malformation.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26892 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 882

[Docket No. 78N–1105]

Neurological Devices; Classification of Skull Tongs for Traction

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying skull tongs for traction into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–430), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of November 28, 1978 (43 FR 55640) a proposed regulation explaining the development of the proposed regulations classifying neurological devices, the medical device classification procedures, and the activities of the Neurological Device Classification Panel. FDA also published in that issue of the **Federal Register** (43 FR 55731) a proposed regulation to classify skull tongs for traction into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 882 in Subpart F by adding new § 882.5960, to read as follows:

§ 882.5960 Skull tongs for traction.

(a) *Identification.* A skull tongs for traction is an instrument used to immobilize a patient with a cervical spine injury (e.g., fracture or dislocation). The device is caliper shaped with tips that penetrate the skin. It is anchored to the skull and has a heavy weight attached to it that maintains, by traction, the patient's position.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective October 4, 1979.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: August 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–26893 Filed 8–31–79; 8:45 am]

BILLING CODE 4110–03–M

federal register

Tuesday
September 4, 1979

Part IV

Community Services Administration

Energy Crisis Assistance Program

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1061

[CSA Instruction 6143-4]

Emergency Energy Conservation Program; Energy Crisis Assistance Program

AGENCY: Community Services Administration

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule on the Energy Crisis Assistance Program. This rule is required in order to implement the fiscal year 1980 appropriation which includes funding for the program. This rule details how these energy funds will be allocated and sets forth project application and post grant requirements.

DATES: This rule is effective October 4, 1979. CSA, however, welcomes written comments on this rule and will accept them through September 19, 1979; if warranted CSA will amend the rule to reflect the comments.

ADDRESS: Please send comments to:

Mr. Edward J. Freel, or
Mr. Wallace W. Lumpkin, Room 300, 1200 19th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward J. Freel, Telephone (202) 254-6110, or
Mr. Wallace W. Lumpkin, Telephone (202) 632-6503, Teletypewriter (202) 254-6218.

SUPPLEMENTARY INFORMATION: On July 31, 1979 the Committee on Appropriations acted favorably on an Administration request to appropriate funds for use this winter to enable states to aid the poor and near poor cope with the high cost of fuel and/or the weather related problems that may result from an anticipated severe winter.

Based on positive congressional action to date, CSA has developed a final rule to implement energy crisis assistance program funds which might be appropriated under Section 222(a)(5) of the Economic Opportunity Act of 1964 as amended.

This rule also sets forth the application process and procedures Governors of States and the Mayor of the District of Columbia will follow in requesting funds under this program.

CSA is waiving the formal 60 day minimum comment period for this significant rule as required by Executive Order 12044, Improving Government regulations. CSA finds that a 60 day comment period for this rule is contrary to the public interest and impracticable since complying with this requirement would make it impossible to publish a final rule prior to the onset of winter weather, would not provide Governors sufficient time to plan for weather-related problems in their states and would not be consistent with Congressional intent that this program be operated during all cold weather months.

However, CSA, has involved affected groups in the rule making process process at an early stage of development. For example, on August 6, 1979 CSA officials met with individuals involved in the administration of last year's program from New Hampshire, Pennsylvania, Kansas, Wisconsin, Missouri, and Texas. On August 20, 1979 CSA officials met with individuals representing the welfare reform task force of the National Governor's Conference, and Washington based representatives of state governments. On August 21, 1979 and on August 23, 1979 they met with representatives of the National Community Action Agency Executive Directors Association (NCAAEDA).

William W. Allison,

Deputy Director.

45 CFR 1061 is amended by adding a new subpart 1061.70 to read as follows:

Subpart 1061.70—Energy Crisis Assistance Program

Sec.

1061.70-1 Effective Date.
1061.70-2 Applicability.
1061.70-3 Policy.
1061.70-4 Who Can Apply for Funds.
1061.70-5 Administration of the Program at the State Level.
1061.70-6 Local Delivery System(s).
1061.70-7 How a Local Program is Operated.
1061.70-8 What These Funds can be Used for.
1061.70-9 Who is Eligible to Participate in this Program.
1061.70-10 Termination of Program.
1061.70-11 How a Governor Requests Funds.
1061.70-12 General Funding Policies.
1061.70-13 Post-Funding Requirements.
1061.70-14 CSA Application Review and Approval Process.
1061.70-15 Coordination with Utility/Fuel Vendors.

Appendices

A Regional Office Addresses.
B CSA Poverty Guidelines.
C State Funding Plans.
D CAP Form 11, Assurance of Compliance with . . . Title VI of the Civil Rights Act of 1964.
E CSA Form 393, Certificate of Applicant's Attorney.
F CSA Form 440, Project Progress Report.
G SF-269, Financial Status Report.
H SF-272, Federal Cash Transactions Report.
I OEO Form 380, Accounting System Certification Form.

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

Subpart 1061.70—Energy Crisis Assistance Program

§ 1061.70-1 Effective date.

October 4, 1979.

§ 1061.70-2 Applicability.

This subpart is applicable to grants funded under section 222(a)(5) of the Economic Opportunity Act of 1964 as amended if the assistance is administered by the Community Services Administration.

§ 1061.70-3 Policy.

(a) The primary intent of the program is to make funds available to states to enable Governors to respond to energy-related crises affecting poor and near poor households, which are caused by the high cost of energy and an anticipated severe winter.

(b) This one-time CSA-funded program does not entitle any household to a certain amount and/or form of assistance.

§ 1061.70-4 Who can apply for funds.

(a) Governors of each State, Puerto Rico and the Virgin Islands, and the Mayor of the District of Columbia may apply for funds under this program. (Note: All references in this document to "Governor" include the Mayor of the District of Columbia.)

(b) Funds will be distributed by CSA among the States and the District of Columbia according to a formula based on the following: past severity of weather, a fuel cost factor, and number of low-income individuals residing in the State.

(c) To make a request, the Governor will submit a State Funding Plan (Appendix C) to the CSA Regional Office serving his/her state. (See Appendix A). This will begin the formal application process.

(d) For further information regarding the application process see § 1061.70-11.

§ 1061.70-5 Administration of the program at the State level.

The Governor is provided the flexibility to choose any agency, which meets the following criteria, to serve as the grantee of record for this program. The Agency

(a) has proven experience in administering, monitoring, or operating programs for the poor;

(b) will be able to implement the program and provide services in a timely manner throughout the state;

(c) has a sound fiscal system and proven acceptability of its audits; and

(d) will be able to comply with CSA's program and financial reporting requirements.

Where there are either administrative or legislative impediments that would prevent an agency at the State level from implementing the delivery of services in a timely manner, CSA will work with the Governor to develop an alternate plan which could include the option of designating more than one grantee for the state.

§ 1061.70–6 Local delivery system(s).

The Governor also has the flexibility to choose the local delivery system, such as community action agencies, aging offices and welfare offices. [Note: This does not preclude using the single state grantee as a deliverer.] However, in making the determination regrading the local operator(s), the Governor should assure that the operator(s) have:

(a) experience in operating programs that serve the poor;

(b) the ability to carry out, or arrange for the outreach activities outlined in § 1061.70–7; and

(c) and adequate accounting system with appropriate fiscal controls.

§ 1061.70–7 How a local program is operated.

(a) *Serving Clients.* (1) *Reaching Potential Clients.*—(i) The local program operator is required to provide assistance to those households that do not have access to other supportive service networks but are income eligible for this program as well as to those who do have such access.

(ii) To carry out this mandate effectively, local delivery systems must notify, inform, and contact persons potentially eligible for this program through, for example, the use of outreach workers, community groups, decentralized intake and certification systems, mass mailings, radio and T.V. spots, use of community newspapers, church bulletins, etc. Expenses for these activities are to be included as administrative costs.

(2) *Serving the elderly.* Highest priority should be placed on serving the elderly. Therefore, local program operators should offer special services. Suggested activities include:

(i) intake and certification by mail;

(ii) scheduled appointments;

(iii) transportation;

(iv) use of senior citizen centers for provision of services; and

(v) intake and certification in residences for persons unable to leave their residences due to infirmity or fear of victimization.

(3) *Serving Renters.* This program is also intended to serve renters who are experiencing an energy related crisis.

In the State Plan, the Governor will indicate how renters in an energy-related crisis will be served. For example assistance might be provided where a renter lives in a building heated with natural gas provided for in his/her rent; however, because the heating is inadequate, the renter purchased two electric space heaters and pays the electric bill himself.

(b) *Limitations on payments.* In no event shall the sum of all assistance under this program made to and/or on behalf of any household, exceed the actual amount needed to ameliorate the household's energy-related problem or $400 whichever is less. The Governor is free to set assistance limits at a lower level as well as to provide for varying the maximum assistance level up to the $400 limit based on one or more of the following factors: climate, availability of, type of and cost of fuel. Such procedures must be outlined in Part IV of the State Funding Plan. (See Appendix C).

(c) *Appeal by household which has been denied assistance.* (1) Within 30 days of the effective date of this subpart each local program operator shall make known to all applicants procedures for review of the partial or complete denial of assistance under the program to any household. If the agency has an existing process which includes the elements listed below its continued use will satisfy the requirements of this policy.

(2) The locally-designed procedures are to be applicable to partial or complete denials of requests for assistance for specific, tangible benefits to low-income household, e.g. utility payments, in-kind assistance, etc. for which the local program operator currently is receiving CSA funds. The procedures will not apply to such activities as community organization, information and referral, etc.

(3) For purposes of this policy we will consider that there has been a denial of assistance when the benefits or services and/or funds currently are available, the local program operator has the authority to provide or disburse them, and the applicant falls within or believes that he/she can prove that he/she falls within the income eligibility and established program guidelines.

(4) Unless CSA provides standard forms, local program operators will use their existing intake/application forms or develop application forms of none currently are in use.

(5) In addition operators will develop procedures for reviewing denials of assistance which will include:

(i) provisions for notifying the applicant in writing of the reasons for denial of assistance, that he/she may request a review of the denial and may submit additional information (in writing or orally) which the applicant believes would warrant a favorable determination;

(ii) provisions for reviewing the denial of an application for assistance in a timely manner if such is requested by the applicant. This should include the specific assignment of responsibility to a senior level official other than the person making the initial determination;

(iii) provisions for notifying the applicant in writing of the agency's final decision; and

(iv) the methods the agency will employ to publicize the existence of the appeal process.

(6) If the population served by the local program operator includes a sizable non-English speaking group, procedures, written materials, and publicity shall be made available in that language.

(7) A written description of the above required procedures shall be maintained on file by the local program operator and shall be available for public inspection.

(8) All documents relating to specific denials of assistance and action(s) taken will be maintained in the agency's files for the length of time required by CSA policy on "Retention and Custodial Requirement for Records." These records will be available for review by CSA officials upon request.

§ 1061.70–8 What these funds can be used for.

(a) Funds made available under this program must be used for the payment of utility/fuel costs, not to include telephone costs. Funds may also be used for one or more of the following:

(1) establishment of a line of credit with utility/fuel vendors for the primary fuel used by the eligible household. Governors may also include other limitations such as: limiting the line of credit to the elderly and the handicapped only, establishing a specific duration of a future credit, and varying the maximum level (not to exceed $400). [See Appendix C, Part IV).

(2) the provision of immediate, short-term assistance in the form of emergency fuel supplies; warm clothing; blankets; replacement of broken window panes; firewood; fuel oil delivery; temporary shelter; nutrition, health and other supportive services; and emergency repairs to housing; and

(3) direct cash assistance in those cases where a person has paid a fuel bill and is in crisis, or to implement one of

the allowable activities of the program discussed under this subsection. This amount shall not exceed a $50 total per household for the entire duration of the program.

(b) Funds under this program cannot be used to weatherize homes.

§ 1061.70–9 Who is eligible to participate in this program.

(a) *Income Eligibility.* Only households with incomes no higher than 125% of the CSA Poverty Guidelines (see Appendix B) or those certified for Supplementary Security Income who are heads of households. [Note: No state may change these income eligibility guidelines.]

(b) *Program Eligibility.* In the State Plan, the Governor may specify certain program eligibility criteria by defining what constitutes an energy-related crisis. The Governor also has the option to use income eligibility criteria as the sole eligibility criteria.

(c) *Income disregard.* Payments made under this program are not to be considered as income for purposes of determining eligibility or benefits under any income maintenance program including, but not limited to public assistance, veterans benefits, food stamps, or Supplemental Security Income.

(d) *Determination of Income Eligibility Required of Grantees.* Proof of income eligibility is required. The period for determining eligibility will be not more than 12 months nor less than the 90 day period preceding the request for assistance. When proof of eligibility is unavailable, an applicant must sign a declaration of income eligibility. In such cases, the local program operator must make a reasonable number of spot checks to verify income eligibility.

§ 1061.70–10 Termination of program.

This program shall terminate on September 30, 1980 and expenses may not be incurred after this date.

§ 1061.70–11 How a Governor requests funds.

(a) Applications for funds under this program will be for statewide coverage with the exception of Indian reservations and farmworker groups who will be funded directly by CSA.

(b) Within 15 calendar days of the effective date of this subpart, the Governor will provide the appropriate CSA Regional Office with the information required in Appendix C. In addition to the materials requested in Appendix C, the Governor will provide a timetable indicating when services will be provided at the local level.

(c) CSA requested from OMB a complete waiver of the clearinghouse review procedures for the FY 80 Energy Crisis Assistance Program. OMB has granted a waiver under the following conditions transmitted in a letter dated August 29, 1979:

(1) The Governor's State Funding Plan (Appendix C) will be subject to modified procedures of Part III of A–95. To the fullest practicable degree, the State agency responsible for development of the plan will involve the State clearinghouse in the development phase. Where such early coordination is not possible, the plan will be sent to the State clearinghouse not later than simultaneously with the submission of the plan to CSA;

(2) The State clearinghouse will determine the degree to which areawide clearinghouses should be involved in the review process and a normal 45 day review period will be afforded, on an *after the fact* basis;

(3) CSA's approval of the State Funding Plan will be conditional, in that the State plan may be subject to possible subsequent revision to accommodate any appropriate recommendations for its modification as provided by clearinghouses in the A–95 review process. The State operating agency will be instructed to make every effort to accommodate such recommendations and will provide appropriate clearinghouses with a statement as to its final judgment on each recommendation. As a result of this requirement CSA must require that any revisions made to the State Funding Plan be submitted to the appropriate CSA Regional Office for approval;

(4) CSA will provide State and appropriate areawide clearinghouses, via Standard Form 424, with an information copy of the "block" grant award to the State agency receiving the funds; and

(5) In addition the State agency will provide, for each, "sub-state" project grant award, information to the State and appropriate areawide clearinghouses as to the amount of monies awarded, to whom, and the purpose of each award. For these sub-state award notifications the use of Standard Form 424 is encouraged but is not mandatory.

(d) If a state fails to submit a plan, CSA may develop and implement a plan for the state.

§ 1061.70–12 General funding policies.

(a) *Matching Share.* A matching share is not required for this program. However, states and local program operators are encouraged to mobilize additional resources to supplement and support this program.

(b) *Maintenance of Effort.* Resources for similar services scheduled to be provided this heating season under state and local authorities shall not be reduced because of this program nor shall this program be used as a substitute for such services. The Director of CSA may make exceptions only in those situations where a strict application of this requirement would result in unnecessary hardship or be inconsistent with the purposes of the Energy Crisis Assistance Program.

(c) *Administrative Costs.* The grantee of record may expend up to 10% of the total state grant for administrative and program support costs. Where the grantee has contracted out performance of all or part of the work program, the grantee must provide a sufficient portion of these administrative funds to those program operators to enable them to administer the program.

(d) *Overexpenditures.* If the grantee incurs expenditures in excess of the total amount of the approved grant, the amount of the overexpenditure must be absorbed by the grantee.

(e) *Procurement.* In accordance with OMB Circulars A–110 and A–102 all proposed sole source contracts where only one bid or proposal is received in which the aggregate expenditure is expected to exceed $5,000 must receive prior approval by the appropriate CSA Regional Office.

(f) *Other.* Where the grantee is found to be deviating from the approved state funding plan, CSA, upon investigation, shall take appropriate corrective action.

§ 1061.70–13 Post-funding requirements.

(a) *Audit.* The grantee of record will not be required to have a separate audit of this program. The program including its contracted-out components will be audited at the time of the grantee's regularly scheduled audit. Five copies of the audit shall be submitted by the auditor to the appropriate CSA Regional Auditor concurrent with submission to the grantee of record.

(b) *Project Reporting.* The grantee of record is required to submit a separate Project Progress Review Report, CSA Form 440 bi-weekly beginning November 15, 1979 through June 30, 1980 and a final report is due ninety days after the termination date to the appropriate CSA Regional Office with a copy forwarded to CSA Headquarters Attention: Energy Assistance Programs Division, R300, 1200 19th Street, NW., Washington, D.C. 20506.

(c) *Financial Reporting.* The grantee of record must submit a separate SF269, Financial Status Report, covering

activities for this program only. These reports are due bi-weekly for the period beginning November 15, 1979 through June 30, 1980, and a final report is due 90 days after the termination date. The Grantee of Record shall follow these procedures for submission of the SF269: one copy to the appropriate CSA Regional Office, one copy to Grants Accounting Branch, Finance and Grants Management Division, CSA Headquarters, 1200 19th Street NW., Washington, D.C. 20506, and one copy to Energy Assistance Programs Division, R300, 1200 19th Street NW., Washington, D.C. 20506.

(d) *Evaluation.* In the event that CSA undertakes a national evaluation of this program, the cooperation of the grantee of record, the local program operators, and that of participating utility/fuel vendors will be required.

(e) *Prohibition against transfer to another grant.* Funds unobligated at the termination of the grant cannot be transferred by the grantee of record to another grant.

§ 10611.70–14 CSA application review and approval process.

(a) CSA Regional Directors are delegated the authority for final approval of grants under this program.

(b) Based on uniform review guidance, Regional Directors will determine the adequacy of state funding plans.

(c) Once a plan has been approved by the Regional Director, Regional Offices will expedite the processing and forward the Statement of CSA Grant (CSA Form 314) to the grantee of record chosen by the Governor. Upon receiving the CSA Form 314, the grantee of record must sign it and return it to the CSA Regional Office.

(d) When a state deviates from its approved state plan, upon investigation, CSA will take appropriate action.

§ 1061.70–15 Coordination with utility/fuel vendors.

The Governor is required to undertake activities in order to reach agreements with utility/fuel vendors to ensure that in each case where payment is certified that:

(a) reconnection of utilities and/or delivery of fuel is made upon certification for payment;

(b) for any remaining balances, the customer is offered a deferred payment arrangement or a level payment plan;

(c) a reconnection charge, is to be paid by the customer only where such a charge was company practice prior to September 1, 1979; and

(d) no security deposit is required to be paid except where such a deposit was required by state law or explicit state regulations prior to September 1, 1979 and, where required by law or regulation is included in a deferred payment arrangement.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

BILLING CODE 6315-01-M

APPENDIX A

CSA REGIONAL OFFICES

CSA Region I
E-400, John F. Kennedy Fed. Bldg.
Boston, Massachusetts 02203
Phone: (617) 223-4080/FTS-8-223-4080
BOSTON - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

CSA Region II
26 Federal Plaza, 32nd Floor
New York, New York 10007
Phone: (212) 264-1900/FTS-8-264-1900
NEW YORK - New Jersey, New York, Puerto Rico, Virgin Islands

CSA Region III
3535 Market Street - Gateway Bldg.
Philadelphia, Pennsylvania 19104
Phone: (215) 596-6001/FTS-8-596-6001
PHILADELPHIA - Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

CSA Region IV
101 Marietta Street, N.W.
Atlanta, Georgia 30303
Phone: (494) 221-2717/FTS-8-242-2717
ATLANTA - Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

CSA Region V
300 South Wacker Drive, 24th Floor
Chicago, Illinois 60606
Phone: (312) 353-5562/FTS-8-353-5562
CHICAGO - Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

CSA Region VI
1200 Main Street
Dallas, Texas 75202
Phone: (214) 767-6126/FTS-8-729-6131
DALLAS - Arkansas, Louisiana, New Mexico, Oklahoma, Texas

CSA Region VII
911 Walnut Street
Kansas City, Missouri 64106
Phone: (816) 374-3761/
FTS-8-758-3761
KANSAS CITY - Iowa, Kansas, Missouri, Nebraska

CSA Region VIII
1961 Stout Street, Federal Bldg.
Denver, Colorado 80294
Phone: (303) 837-4767/
FTS-8-372-4767
DENVER - Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

CSA Region IX
450 Golden Gate Avenue, Box 36008
San Francisco, California 94102
Phone: (415) 556-5400/
FTS-8-556-5400
SAN FRANCISCO - Arizona, California, Hawaii, Nevada, Trust Territories

CSA Region X
1321 Second Avenue
Seattle, Washington 98101
Phone: (206) 442-4910/
FTS-8-399-4910
SEATTLE - Alaska, Idaho, Oregon, Washington

APPENDIX B

COMMUNITY SERVICES ADMINISTRATION

125% of POVERTY INCOME GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII.

Size of Family Unit	Non-Farm Family	Farm Family
1	$ 4,250	$3,638
2	5,625	4,800
3	7,000	5,963
4	8,375	7,125
5	9,750	8,288
6	11,125	9,450

For family units with more than 6 members, add $1,375 for each additional member in a non-farm family and $1,163 for each additional member in a farm family.

POVERTY GUIDELINES FOR ALASKA.

Size of Family Unit	Non-Farm Family	Farm Family
1	$ 5,338	$ 4,562
2	7,050	6,013
3	8,763	7,463
4	10,475	8,913
5	12,188	10,363
6	13,900	11,813

For family units with more than 6 members, add $1,713 for each additional member in a non-farm family and $1,450 for each additional member in a farm family.

POVERTY GUIDELINES FOR HAWAII.

Size of Family Unit	Non-Farm Family	Farm Family
1	$ 4,913	$ 4,188
2	6,488	5,525
3	8,063	6,863
4	9,638	8,200
5	11,213	9,538
6	12,788	10,875

For family units with more than 6 members, add $1,575 for each additional member in a non-farm family and $1,338 for each additional member in a farm family.

APPENDIX C

REQUEST FOR FUNDS

ENERGY CRISIS ASSISTANCE PROGRAM

PART I

I, _____ Governor of the State of _____ apply for funds in the amount of _____ to conduct activities for the purpose of relieving part of the increased energy/fuel cost burden facing the poor and the near-poor.

I waive the thirty day review and disapproval period set out in Section 242 of the Economic Opportunity Act of 1964, as amended.

I am choosing _____ agency/organization as the grantee of record for the State. The address of the agency/organization is _____, the telephone number is _____, and the person to contact for further information is _____.

_____
Signature of the Governor

_____
Date

PART II

(1) AREA TO BE SERVED *	(2) NAME OF PROGRAM OPERATOR	(3) ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON	(4) PER CENT OF FUNDS FROM GRANT TO BE USED IN THIS AREA

(e.g.)
* CITY, CITIES, COUNTY, COUNTIES, WHOLE STATE

PART III

I am submitting the following required forms for the grantee of record if it is not presently receiving CSA funds or for Program Operators who are not presently receiving CSA funds.

Required Forms

CAP Form 11
OEO Form 380
CSA Form 383 (for grantees of record only)
Bonding Certification
(applicable only for non-profit organizations)

PART IV

Provide a description of the methods in the state you will require (1) for monitoring of the program at this level; (2) for assuring that initial and immediate investigation of charges of poor administration of the program, faulty or inadequate eligibility certification, failure of energy suppliers to provide relief, and duplication and/or fraud; (3) for assuring that fiscal and Management technical assistance will be provided if needed, to program operators. Specify which agency (agencies) will have this responsibility and provide the mailing address and telephone number of the contact person in the responsible agency or agencies. Please include how you will notify the Regional Office of the initiation of an investigation and of the outcome of all such investigations (4) for providing special services to assure that the highest priority is placed on serving the elderly and (5) for providing service to renters.

In addition, if you are planning to set assistance limits at lower levels or are varying the assistance level or the types of assistance provided within the state as provided for in the regulation, furnish the details of such arrangements including the specific factors you will use in developing within-state payment levels.

APPENDIX D

OFFICE OF ECONOMIC OPPORTUNITY

Community Action Program

Assurance of Compliance with the Office of Economic Opportunity's Regulations under Title VI of the Civil Rights Act of 1964

_____ (hereinafter called the "Applicant")
(Name of Applicant or Delegate Agency)

AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the Regulations of the Office of Economic Opportunity issued pursuant to that title (45 C.F.R. Part 1010), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance either directly or indirectly from the Office of Economic Opportunity; and HEREBY GIVES ASSURANCE THAT it will immediately, in all phases and levels of programs and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation.

In the case where the Federal financial assistance is to provide or improve or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the Applicant, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the Applicant retains ownership or possession of the property, whichever is longer. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, the referral or assignment of VISTA volunteers, or other Federal financial assistance extended after the date hereof to the Applicant by the Office of Economic Opportunity, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____

_____
(Name of Applicant or Delegate Agency)

By _____
(President, Chairman of Board, or comparable authorized official)

_____

_____

_____
(Mailing Address)

CAP FORM 11 (REV. JUN 69) PREVIOUS EDITIONS ARE OBSOLETE.

U.S. GOVERNMENT PRINTING OFFICE 1969 O—354-566
907-408

APPENDIX E

CERTIFICATE OF APPLICANT'S ATTORNEY

(For Health Demonstration Programs under Section 222, Research and Pilot Programs under Section 232, and Special Impact Programs under Section 151 of the Economic Opportunity Act)

Form Approved
OMB No. 116-R0198

This certificate is required when applying for a new grant; or upon OEO's request, for the continuation of an existing grant.

1. NAME OF APPLICANT AGENCY

2. IS THE APPLICANT AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 401 (F) OF THE HIGHER EDUCATION ACT OF 1963, PUBLIC LAW 88-204?

☐ YES ☐ NO

IF "YES", WAS IT IN EXISTENCE ON AUGUST 20, 1964? ☐ YES ☐ NO

3. THE APPLICANT IS

☐ A PUBLIC AGENCY

☐ AN ORGANIZATION CHARTERED AS A NONPROFIT CORPORATION UNDER THE LAWS OF THE STATE OF _____

☐ A NONPROFIT UNINCORPORATED ASSOCIATION.

☐ OTHER *(Explain in Item 6, below.)*

4. IF THE APPLICANT IS A NONPROFIT ORGANIZATION, INDICATE WHETHER IT HOLDS A CURRENT RULING FROM THE INTERNAL REVENUE SERVICE THAT IT IS TAX EXEMPT

☐ YES *(Date of Ruling)* _____ ☐ NO

5. IF ANSWER TO ITEM 4, ABOVE, IS "NO"

A. IS IT YOUR OPINION THAT THE APPLICANT QUALIFIES FOR SUCH A RULING?

☐ YES ☐ NO

B. HAS ANY OFFICIAL OF THE INTERNAL REVENUE SERVICE INDICATED THAT THE APPLICANT MAY NOT QUALIFY FOR SUCH A RULING?

☐ YES *(Explain in Item 6, below.)* ☐ NO

6. REMARKS

7. **OPINION**

In my opinion, the above information accurately describes the applicant agency, and that agency has the authority, under applicable principles of law, to carry out the program described in this application.

TYPED NAME OF ATTORNEY	MEMBER OF THE BAR OF *(State)*	SIGNATURE

ADDRESS	DATE

OEO FORM 393 NOV 71

GSA DC 72-6620

APPENDIX F

Page____ of____

COMMUNITY SERVICES ADMINISTRATION
PROJECT PROGRESS REVIEW REPORT

(Check applicable box)
☐ 1st Qtr. ☐ ANNUAL
☐ 2nd Qtr.
☐ 3rd Qtr. ☐ FINAL

OMB No. 116-R0227
Approval expires August 1980

DATE SUBMITTED

NAME OF GRANTEE

GRANTEE NO.

PROGRAM ACCOUNT

PROJECT TITLE

PROJECT GOAL

STANDARD(S) OF EFFECTIVENESS (No.)

1. ACCOMPLISHMENTS

A. MEASURABLE

B. NON-QUANTIFIABLE

2. PROBLEMS

3. PLANNED CHANGES *

4. TRAINING & TECHNICAL ASSISTANCE NEEDS *

5. ASSESSMENT OF EFFECTIVENESS

* Do not complete when filing final report or in annual reports for individual projects which will not be refunded.

CERTIFICATION

The undersigned certifies that this report has been completed in accordance with applicable instructions; that it is true to the best of his/her knowledge, information and belief; and that it has been approved, or reviewed and approved, as indicated in Item 6, below.

6. THIS REPORT HAS BEEN *(Check appropriate box.)*
☐ APPROVED BY GRANTEE'S GOVERNING BOARD
☐ REVIEWED BY GRANTEE'S ADMINISTERING BOARD AND APPROVED BY ITS GOVERNING OFFICIALS

7. DATE OF APPROVAL

8. TYPED NAME & TITLE OF PRINCIPAL GOVERNING OFFICIAL OR PRINCIPAL OFFICER OF GOVERNING BOARD

9. SIGNATURE

10. DATE

CSA FORM 440 (REV AUG 77) (REPLACES OEO FORM 440, DATED AUG 72, WHICH IS OBSOLETE.)

GPO 912-407

FINANCIAL STATUS REPORT

(Follow instructions on the back)

1. FEDERAL AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED	2. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER	OMB Approved No. 80–R0180	PAGE OF PAGES
3. RECIPIENT ORGANIZATION *(Name and complete address, including ZIP code)*	4. EMPLOYER IDENTIFICATION NUMBER / 5. RECIPIENT ACCOUNT NUMBER OR IDENTIFYING NUMBER	6. FINAL REPORT ☐ YES ☐ NO	7. BASIS ☐ CASH ☐ ACCRUAL
	8. PROJECT/GRANT PERIOD *(See instructions)* — FROM *(Month, day, year)* / TO *(Month, day, year)*	9. PERIOD COVERED BY THIS REPORT — FROM *(Month, day, year)* / TO *(Month, day, year)*	

10. STATUS OF FUNDS

PROGRAMS/FUNCTIONS/ACTIVITIES ►	(a)	(b)	(c)	(d)	(e)	(f)	TOTAL (g)
a. Net outlays previously reported	$	$	$	$	$	$	$
b. Total outlays this report period							
c. *Less:* Program income credits							
d. Net outlays this report period *(Line b minus line c)*							
e. Net outlays to date *(Line a plus line d)*							
f. *Less:* Non-Federal share of outlays							
g. Total Federal share of outlays *(Line e minus line f)*							
h. Total unliquidated obligations							
i. *Less:* Non-Federal share of unliquidated obligations shown on line h							
j. Federal share of unliquidated obligations							
k. Total Federal share of outlays and unliquidated obligations							
l. Total cumulative amount of Federal funds authorized							
m. Unobligated balance of Federal funds							

11. INDIRECT EXPENSE

a. TYPE OF RATE *(Place "X" in appropricte box)* ☐ PROVISIONAL ☐ PREDETERMINED ☐ FINAL ☐ FIXED

b. RATE	c. BASE	d. TOTAL AMOUNT	e. FEDERAL SHARE

12. REMARKS: *Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. CERTIFICATION

I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REPORT SUBMITTED
TYPED OR PRINTED NAME AND TITLE	TELEPHONE *(Area code, number and extension)*

269-102

STANDARD FORM 269 (7–76)
Prescribed by Office of Management and Budget
Cir. No. A–110

APPENDIX G (Page 2)

INSTRUCTIONS

Please type or print legibly. Items 1, 2; 3, 6, 7, 9, 10d, 10e, 10g, 10i, 10l, 11a, and 12 are self-explanatory, specific instructions for other items are as follows:

Item	*Entry*
4	Enter the employer identification number assigned by the U.S. Internal Revenue Service or FICE (institution) code, if required by the Federal sponsoring agency.
5	This space is reserved for an account number or other identifying numbers that may be assigned by the recipient.
8	Enter the month, day, and year of the beginning and ending of this project period. For formula grants that are not awarded on a project basis, show the grant period.
10	The purpose of vertical columns (a) through (f) is to provide financial data for each program, function, and activity in the budget as approved by the Federal sponsoring agency. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the totals of all programs, functions or activities should be shown in column (g) of the first page. For agreements pertaining to several Catalog of Federal Domestic Assistance programs that do not require a further functional or activity classification breakdown, enter under columns (a) through (f) the title of the program. For grants or other assistance agreements containing multiple programs where one or more programs require a further breakdown by function or activity, use a separate form for each program showing the applicable functions or activities in the separate columns. For grants or other assistance agreements containing several functions or activities which are funded from several programs, prepare a separate form for each activity or function when requested by the Federal sponsoring agency.
10a	Enter the net outlay. This amount should be the same as the amount reported in Line 10e of the last report. If there has been an adjustment to the amount shown previously, please attach explanation. Show zero if this is the initial report.
10b	Enter the total gross program outlays (less rebates, refunds, and other discounts) for this report period, including disbursements of cash realized as program income. For reports that are prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors and subgrantees. For reports prepared on an accrued expenditure basis, outlays are the sum of actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contractors, subgrantees, and other payees.
10c	Enter the amount of all program income realized in this period that is required by the terms and conditions of the Federal award to be deducted from total project costs. For reports prepared on a cash basis, enter the amount of cash income received during the reporting period. For reports prepared on an accrual basis, enter the amount of income earned since the beginning of the reporting period. When the terms or conditions allow program income to be added to the total award, explain in remarks, the source, amount and disposition of the income.
10f	Enter amount pertaining to the non-Federal share of program outlays included in the amount on line e.
10h	Enter total amount of unliquidated obligations for this project or program, including unliquidated obligations to subgrantees and contractors. Unliquidated obligations are: Cash basis—obligations incurred but not paid; Accrued expenditure basis—obligations incurred but for which an outlay has not been recorded. Do not include any amounts that have been included on lines a through g. On the final report, line h should have a zero balance.
10j	Enter the Federal share of unliquidated obligations shown on line h. The amount shown on this line should be the difference between the amounts on lines h and i.
10k	Enter the sum of the amounts shown on lines g and j. If the report is final the report should not contain any unliquidated obligations.
10m	Enter the unobligated balance of Federal funds. This amount should be the difference between lines k and l.
11b	Enter rate in effect during the reporting period.
11c	Enter amount of the base to which the rate was applied.
11d	Enter total amount of indirect cost charged during the report period.
11e	Enter amount of the Federal share charged during the report period. If more than one rate was applied during the project period, include a separate schedule showing bases against which the indirect cost rates were applied, the respective indirect rates the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

APPENDIX H

FEDERAL CASH TRANSACTIONS REPORT

(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272–A.)

Approved by Office of Management and Budget, No. 80–R0182

1. Federal sponsoring agency and organizational element to which this report is submitted

2. RECIPIENT ORGANIZATION

Name :

Number and Street :

City, State and ZIP Code:

3. FEDERAL EMPLOYER IDENTIFICATION NO.

4. Federal grant or other identification number

5. Recipient's account number or identifying number

6. Letter of credit number

7. Last payment voucher number

Give total number for this period

8. Payment Vouchers credited to your account

9. Treasury checks received (whether or not deposited)

10. PERIOD COVERED BY THIS REPORT

FROM (month, day, year)

TO (month, day year)

11. STATUS OF FEDERAL CASH

(See specific instructions on the back)

a. Cash on hand beginning of reporting period	$
b. Letter of credit withdrawals	
c. Treasury check payments	
d. Total receipts (*Sum of lines b and c*)	
e. Total cash available (*Sum of lines a and d*)	
f. Gross disbursements	
g. Federal share of program income	
h. Net disbursements (*Line f minus line g*)	
i. Adjustments of prior periods	
j. Cash on hand end of period	$

12. THE AMOUNT SHOWN ON LINE 11J, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING *Days*

13. OTHER INFORMATION

a. Interest income	$
b. Advances to subgrantees or subcontractors	$

14. REMARKS (*Attach additional sheets of plain paper, if more space is required*)

15. CERTIFICATION

I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement

AUTHORIZED CERTIFYING OFFICIAL

SIGNATURE

DATE REPORT SUBMITTED

TYPED OR PRINTED NAME AND TITLE

TELEPHONE (*Area Code, Number, Extension*)

THIS SPACE FOR AGENCY USE

272–102

STANDARD FORM 272 (7–76)
Prescribed by Office of Management and Budget
Cir. No. A–110

APPENDIX H (Page 2)

INSTRUCTIONS

Please type or print legibly. Items 1, 2, 8, 9, 10, 11d, 11e, 11h, and 15 are self explanatory, specific instructions for other items are as follows:

Item	*Entry*
3	Enter employer identification number assigned by the U.S. Internal Revenue Service or the FICE (institution) code. If this report covers more than one grant or other agreement, leave items 4 and 5 blank and provide the information on Standard Form 272–A, Report of Federal Cash Transactions—Continued; otherwise;
4	Enter Federal grant number, agreement number, or other identifying numbers if requested by sponsoring agency.
5	This space reserved for an account number or other identifying number that may be assigned by the recipient.
6	Enter the letter of credit number that applies to this report. If all advances were made by Treasury check, enter "NA" for not applicable and leave items 7 and 8 blank.
7	Enter the voucher number of the last letter-of-credit payment voucher (Form TUS 5401) that was credited to your account.
11a	Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit, imprest funds, and undeposited Treasury checks.
11b	Enter total amount of Federal funds received through payment vouchers (Form TUS 5401) that were credited to your account during the reporting period.
11c	Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited.
11f	Enter the total Federal cash disbursements, made during the reporting period, including cash received as program income. Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors, the gross amount of direct salaries and wages, including the employee's share of benefits if treated as a direct cost, interdepartmental charges for supplies and services, and the amount to which the recipient is entitled for indirect costs.
11g	Enter the Federal share of program income that was required to be used on the project or program by the terms of the grant or agreement.
11i	Enter the amount of all adjustments pertaining to prior periods affecting the ending balance that have not been included in any lines above. Identify each grant or agreement for which adjustment was made, and enter an explanation for each adjustment under "Remarks." Use plain sheets of paper if additional space is required.
11j	Enter the total amount of Federal cash on hand at the end of the reporting period. This amount should include all funds on deposit, imprest funds, and undeposited funds (line e, less line h, plus or minus line i).
12	Enter the estimated number of days until the cash on hand, shown on line 11j, will be expended. If more than three days cash reqirements are on hand, provide an explanation under "Remarks" as to why the drawdown was made prematurely, or other reasons for the excess cash. The requirement for the explanation does not apply to prescheduled or automatic advances.
13a	Enter the amount of interest earned on advances of Federal funds but not remitted to the Federal agency. If this includes any amount earned and not remitted to the Federal sponsoring agency for over 60 days, explain under "Remarks." Do not report interest earned on advances to States.
13b	Enter amount of advance to secondary recipients included in item 11h.
14	In addition to providing explanations as required above, give additional explanation deemed necessary by the recipient and for information required by the Federal sponsoring agency in compliance with governing legislation. Use plain sheets of paper if additional space is required.

APPENDIX I

ACCOUNTING SYSTEM CERTIFICATION

(CSA Instruction 6801-1)

ADDRESS *(CSA Program Office/Region)*

SECTION I. STATEMENT OF PUBLIC FINANCIAL OFFICER *(If the applicant is a Public Agency or when the Accounting System of a Private-nonprofit Agency will be maintained by a Public Agency.)*

I am the Chief Financial Officer of _____ (NAME OF PUBLIC AGENCY) and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for _____ (NAME OF APPLICANT) which is a public (or nonprofit) agency charged with carrying out a CSA program in _____ (NAME OF COMMUNITY). The accounting system will have internal controls adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

NAME OF PUBLIC AGENCY

TYPED NAME OF FINANCIAL OFFICER	SIGNATURE	DATE

SECTION II. STATEMENT OF PUBLIC ACCOUNTANT *(If applicant is a Private-nonprofit Agency or a Public Agency whose accounting system will not be maintained by a Public Agency.)*

I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts of the _____ (NAME OF APPLICANT), which is a private-nonprofit organization (or public agency) carrying out a CSA program in _____ (NAME OF COMMUNITY). I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

NAME OF FIRM

TYPED NAME OF ACCOUNTANT	SIGNATURE	DATE

CSA FORM 380 MAY 75 (FORMERLY OEO FORM 380, DATED JAN 72, WHICH MAY BE USED UNTIL EXHAUSTED.)

[FR Doc. 79-27464 Filed 8-31-79; 8:45 am]

BILLING CODE 6315-01-C

Reader Aids

Federal Register

Vol. 44, No. 172

Tuesday, September 4, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266	Public Law Numbers and Dates, Slip Laws, U.S.
-5282	Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

51549-51794.....4

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

TABLE OF EFFECTIVE DATES AND TIME PERIODS—SEPTEMBER 1979

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for Federal Register scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
September 4	September 19	October 4	October 19	November 5	December 3
September 5	September 20	October 5	October 22	November 5	December 4
September 6	September 21	October 9	October 22	November 5	December 5
September 7	September 24	October 9	October 22	November 6	December 6
September 10	September 25	October 10	October 25	November 9	December 10
September 11	September 26	October 11	October 26	November 13	December 10
September 12	September 27	October 12	October 29	November 13	December 11
September 13	September 28	October 15	October 29	November 13	December 12
September 14	October 1	October 15	October 29	November 13	December 13
September 17	October 2	October 17	November 1	November 16	December 17
September 18	October 3	October 18	November 2	November 19	December 17
September 19	October 4	October 19	November 5	November 19	December 18
September 20	October 5	October 22	November 5	November 19	December 19
September 21	October 9	October 22	November 5	November 20	December 20
September 24	October 9	October 24	November 8	November 23	December 24
September 25	October 10	October 25	November 9	November 26	December 24
September 26	October 11	October 26	November 13	November 26	December 26
September 27	October 12	October 29	November 13	November 26	December 26
September 28	October 15	October 29	November 13	November 27	December 27

CFR CHECKLIST; 1978/1979 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1978/1979. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $450 domestic, $115 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1979):

Title	Price
1	$3.00
2 [Reserved]	
3	6.00
4	4.50
7 Parts:	
0-52	6.75
53-209	5.00
700-899	6.00
900-944	5.25
945-980	3.75
981-999	3.75
1000-1059	6.00
1060-1119	6.50
1120-1199	4.50
1200-1499	6.25
1500-2799	10.00
2852	6.00
2853-end	4.50
8	4.00
9	8.00
10 Parts:	
0-199	6.50
12 Parts:	
1-199	6.00
200-299	8.00
300-end	8.50
13	5.00
14 Parts:	
1-59	7.50
60-199	7.25
200-1199	7.00
1200-end	3.50
15	7.50
16 Parts:	
0-149	4.50
150-999	4.25
1000-end	5.00

CFR Unit (Rev. as of Apr. 1, 1979):

18 Parts:	
0-149	6.50
150-end	7.00
19	7.50
20 Parts:	
1-399	5.50
400-499	7.00
500-end	6.50
21 Parts:	
1-99	5.50
100-199	7.50
200-299	4.00
300-499	7.00
600-1299	6.00
1300-end	4.25
22	7.00
23	6.50
24 Parts:	
0-499	8.00
500-1699	7.50
1700-end	6.00
25	7.00
26 Parts:	
1 (§§ 1.170-1.300)	6.50
1 (§§ 1.301-1.400)	5.50
1 (§§ 1.401-1.500)	6.00
1 (§§ 1.501-1.640)	6.00
1 (§§ 1.641-1.850)	6.50
1 (§§ 1.851-1.1200)	7.50
1 (§§ 1.1201-end)	8.50
2-29	6.00
30-39	6.00
40-299	7.00
300-499	6.00
600-end	4.25
27	11.00

CFR Unit (Rev. as of July 1, 1978):

28	$4.50
29 Parts:	
0-499	6.25
500-1899	6.25
1900-1919	7.00
1920-end	5.25
30	6.25
31	6.25
32 Parts:	
40-399	8.50
400-589	4.50
590-699	4.50
700-799	6.00
800-999	5.50
1000-1399	3.50
1400-1599	4.50
1600-end	3.00
32A	4.00
33 Parts:	
1-199	6.25
200-end	5.75
35	4.75
36	5.00
37	4.00
38	6.50
39	4.25
40 Parts:	
0-49	4.75
50-59	6.50
60-99	8.50
100-399	5.50
400-end	8.75
41 CFR:	
Chapters:	
1-2	6.50
3-6	5.75
7	2.75
8	2.75
10-17	4.75
Chapter 18, Parts:	
1-52 (Vol. I, Rev. 7/31/78)	5.25
1-52 (Vol. II, Rev. 7/31/78)	7.00
1-52 (Vol. III, Rev. 7/31/78)	5.75
Chapters:	
19-100	4.50
101-end	8.50
CFR Index	5.00

CFR Unit (Rev. as of Oct. 1, 1978):

42 Parts:	
1-399	6.00
400-end	5.50
43 Parts:	
1-999	4.25
1000-end	6.50
44 [Reserved]	
45 Parts:	
1-99	4.75
100-149	5.75
150-199	5.25
200-499	3.50
500-end	8.25
46 Parts:	
1-29	3.25
30-40	3.25
41-69	4.50
70-89	3.75
90-109	3.25
110-139	3.25
140-155	3.50
156-165	4.25
166-199	3.00
200-end	6.50
47 Parts:	
0-19	5.00
20-69	5.75
70-79	5.25
80-end	7.00
48 [Reserved]	
49 Parts:	
1-99	3.25
100-199	9.25
200-999	12.00
1000-1199	5.00
1200-1299	6.50
1300-end	4.50
50	5.75

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
EOA Energy Office, Department of Agriculture
ESCS Economics, Statistics, and Cooperatives Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
RDS Rural Development Service
REA Rural Electrification Administration
RTB Rural Telephone Bank
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FTZB Foreign-Trade Zones Board
ITA Industry and Trade Administration
MA Maritime Administration
MBEO Minority Business Enterprise Office
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DCPA Defense Civil Preparedness Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

DOE Energy Department

BPA Bonneville Power Administration
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHADOE Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HEW Health, Education, and Welfare Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Center for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
MSI Museum Services Institute
NIH National Institutes of Health
NIOSH National Institute of Occupational Safety and Health
OE Office of Education
PHS Public Health Service
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
FDAA Federal Disaster Assistance Administration
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMO Surface Mining Office

JUSTICE Justice Department

DEA Drug Enforcement Administration
INS Immigration and Naturalization Service
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections

LABOR Labor Department

BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs
W&H Wage and Hour Division

STATE State Department

AID Agency for International Development
FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
OHMR Office of Hazardous Materials Regulations
OPSR Office of Pipeline Safety Regulations
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

AC Aging Federal Council
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
ESSA Endangered Species Scientific Authority
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPA Federal Preparedness Agency
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Services
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit System Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
TVA Tennessee Valley Authority
USIA United States Information Agency
VA Veterans Administration
WRC Water Resources Council

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 September 1, 1979

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

46250 8–7–79 / Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County; handling regulation—correction

39324 9–5–79 / Milk in the Texas and certain other marketing area

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45130 8–1–79 / Cost of living adjustment for compulsory royalty rates paid by noncommercial broadcasting

FEDERAL COMMUNICATIONS COMMISSION

29077 5–18–79 / Stations on shipboard in maritime services; remote control units used in conjunction with marine VHF radiotelephones

TRANSPORTATION DEPARTMENT

National Highway Transportation Safety Administration—

17500 3–22–79 / Speedometers and odometers

Rules Going Into Effect September 2, 1979

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

45320 8–1–79 / Livestock; grades and standards for feeder cattle

CIVIL AERONAUTICS BOARD

45608 8–3–79 / Payments for non-air transportation services for air cargo; general policy statement

Rules Going Into Effect September 3, 1979

AGRICULTURE DEPARTMENT

Food Safety and Quality Service—

45602 8–3–79 / Fruit jelly; U.S. standards for grades

45606 8–3–79 / Substance for use in meat and poultry products

FEDERAL COMMUNICATIONS COMMISSION

44160 7–27–79 / Lake Placid, Saranac Lake and Tupper Lake, N.Y. and South Burlington, Vt.; changes in FM table of assignments

TRANSPORTATION DEPARTMENT

Coast Guard—

45924 8–6–79 / Drawbridge operation; Atlantic Intracoastal Waterway, Atlantic Beach, NC

Rules Going Into Effect Today.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

45615 8–3–79 / Merluccius productus; establishment of common or usual name

NUCLEAR REGULATORY COMMISSION

45362 8–2–79 / Uranium fuel cycle impacts from spent fuel reprocessing and radioactive waste management

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

45378 8–2–79 / Aircraft and aircraft parts; prohibition on removal of identification data

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

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

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